

## HOUSE OF REPRESENTATIVES.

SUNDAY, February 19, 1911.

(Continuation of proceedings of legislative day of Friday, Feb. 17, 1911.)

Mr. PRINCE and Mr. BUTLER rose.

Mr. BUTLER. Mr. Speaker, I move to suspend further consideration of business upon the Private Calendar.

Mr. PRINCE. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. PRINCE. "The gentleman from Illinois" rises because he is chairman of the committee that has the bill in charge, to make a motion, and he was on his feet in his place addressing the Chair.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills in order on the Private Calendar.

Mr. BUTLER. Was I not recognized to make my motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois, chairman of the committee.

Mr. CARLIN. Let us vote that motion down in order to move a recess.

Mr. PRINCE. I think you will get a thousandfold nearer to what you want if you will be kind enough to let me run it awhile, at the rate you are going.

Mr. MANN. You have not got very far.

Mr. PRINCE. If you will let me try to run it awhile and not disturb me, I think we will get nearer what we want. If you want to run it, go ahead. I will not be held responsible much longer.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills in order on the Private Calendar.

Mr. MANN. Mr. Speaker, I suggest that pending that we try to shorten the time for general debate. How much time for general debate was remaining, if we can ascertain?

The SPEAKER pro tempore. The Chair will state that the gentleman from Illinois has 77 minutes remaining and the gentleman from North Carolina [Mr. KITCHIN] 79 minutes.

Mr. PRINCE. I am willing to shorten my time to seven minutes.

Mr. SHACKLEFORD. Mr. Speaker, may I suggest to the chairman of the committee that he has already used about an hour in defense of the French spoliation claims, and he ought to yield some time to those who desire to oppose them? Nobody has had any time in opposition to them, and they have been very eloquently defended by the gentleman who has them in charge.

Mr. PRINCE. I will ask my colleague on the committee who is dividing the time with me how little time he can now get along with?

Mr. KITCHIN. I really do not know.

Mr. MANN. I suggest to the gentlemen that they limit general debate to one hour—30 minutes on a side.

Mr. KITCHIN. Oh, no.

Mr. MANN. Very well; I will stand with the gentleman in anything he wants.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House for the further consideration of bills on the Private Calendar.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. CURRIER in the chair.

Mr. KENDALL. Mr. Chairman, just before the chaos was precipitated I was inquiring of the gentleman from New York why these claims, which he says were considered by the Fifty-eighth Congress, were not allowed by that Congress and paid.

Mr. LAW. In reply I will say that they were allowed and were paid.

Mr. KENDALL. Are we duplicating the payment of those claims now in this bill?

Mr. LAW. Not at all; they are claims that were not paid in that bill. Every claim found in an omnibus bill is based upon a Court of Claims finding of fact. These claims which are in the present bill had not at that time been transmitted by the court to either branch of Congress.

Now, Mr. Chairman, at the time I was interrupted I was calling the attention of the committee to the fact that at the time the Senate bill was referred to the Committee on Claims it was the expectation that it would thereafter be referred to the Committee on War Claims.

However, there was considerable delay in reporting the bill from the Claims Committee, and when it was finally reported, it

was after what will probably be the last war-claims day in the House, and it was therefore considered the wiser plan for the War Claims Committee to report a separate omnibus bill, as it did do, containing such of the war-claims items in the Senate bill as it approved.

Accordingly, as I explained this afternoon, when the proper time arrives the House omnibus bill will be offered as a substitute to a portion of the Senate bill. In addition to the war claims, the War Claims Committee also considered certain other provisions contained in the Senate bill and will probably move to strike them out, or, at least, to change them.

The most important of these matters are the amendments to the so-called Bowman and Tucker Acts contained in the Senate bill.

I will not detain the committee to describe in detail just the character of the Bowman and Tucker Acts and the changes which the Senate proposed to make in them further than to say that the Senate proposes amendments to these two acts, the effect of which will be to repeal them so far as the Civil War claims are concerned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. I yield the gentleman five minutes more, or such time as he may need.

Mr. LAW. So that after a certain date, named in the bill, none of the committees of Congress and neither the House nor the Senate would have the power to refer to the Court of Claims any claims against the Government, which they might have before them, for findings of facts. In my opinion, and in the opinion of the Committee on War Claims, this would be an unwise thing to do for the reason that if neither the committees of the two Houses nor Congress has the power to refer claims to the Court of Claims for findings of fact, the result would be that such pressure would be brought to bear on the committee to report appropriations upon mere ex parte proof that great danger would result.

Prior to the last session of Congress the court had no power under either the Bowman or the Tucker Acts to supply Congress with any conclusion whatever based upon the findings of facts. It had the power only to make findings of fact and leave to Congress entirely to say whether those facts as found constituted any legal or equitable claim against the Government of the United States.

However, at the last session of Congress the so-called Tucker Act was amended so as to give the court power, in addition to finding the facts, to render conclusions as to whether the facts found constituted any legal or equitable claim against the Government, or a mere gratuity, and, if a legal or equitable claim, to find the amount due.

I believe this was a great improvement to the Tucker Act, and the committee will recommend the amendment of sections 1 and 2 of the Bowman Act in practically the same manner in which the Tucker Act has already been amended.

Now, I might simply say, in conclusion, that the war items contained in the Senate bill amount to \$852,297.12, as it reached the Senate from the Senate Claims Committee. There was added on the floor of the Senate \$95,382, making a total of \$947,679.12. Of this amount the War Claims Committee has eliminated \$287,473.55, leaving a total of Senate war claims of \$660,205.57. To this the House War Claims Committee has added court findings amounting in all to \$504,085.56. So that if the House bill is substituted for the war claims portion of the Senate bill, the Senate bill then will carry war claims to the amount of \$1,164,291.13. I think that this explains in general the character of the proposals which will be made by the Committee on War Claims.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. LAW. Yes.

Mr. MARTIN of South Dakota. How much does the bill in its present form carry of war claims?

Mr. LAW. Does the gentleman mean the Senate bill?

Mr. MARTIN of South Dakota. Yes; the bill now before the House.

Mr. STAFFORD. The gentleman knows that some of those claims are eliminated.

Mr. LAW. War claims, or all told?

Mr. MARTIN of South Dakota. War claims.

Mr. LAW. Nine hundred and forty-seven thousand six hundred and seventy-nine dollars and twelve cents.

Mr. MARTIN of South Dakota. And the amendments which the gentleman's committee intends to propose will increase it to how much?

Mr. LAW. One million one hundred and sixty-four thousand two hundred and ninety-one dollars and thirteen cents.

Mr. SWASEY. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. I yield the gentleman five minutes more.

Mr. SWASEY. I want to call the gentleman's attention to page 15 of the Senate bill, to the claims of Edward W. Larrabee, administrator, and George H. Greenleaf. I would like to know why those were eliminated in the bill reported by the gentleman's committee.

Mr. LAW. Mr. Chairman, I will say that those are both so-called Selfridge Board claims. The Senate bill contained eight, I believe, of those Selfridge Board claims. Frankly, we do not like those Selfridge Board claims. We realize that some of them in the past have been paid, but in my judgment and in the judgment of the Committee on War Claims the resolution which provided for the creation of the Selfridge Board provided an absolutely wrong measure of damages.

Mr. SWASEY. Well, I will ask whether or not the findings of the court to which these claims were referred was not a substantiation by their report of the claims as made and accepted and agreed to by the board.

Mr. LAW. Mr. Chairman, I think that perhaps there is no better time than this to say something about these Selfridge Board claims. They were upon findings of facts rendered by the board which was created by the following resolution of the Senate, passed on March 9, 1865:

*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons whose duty it shall be to inquire and determine how much vessels of war and steam machinery contracted for by the department in the years 1862 and 1863 cost the contractors over and above the contract price and the amount for extra work, and report the same to the Senate at its next session; none but those that have given satisfaction to the department to be considered.

In other words, the proposal contained in that resolution of the Senate was simply this: Certain contractors had made contract with the Government to construct certain boats of war. Those ships cost the contractors conceded more than the contract price, and this resolution contemplated that the Government should pay these contractors the difference between the contract price and what the ships cost them, regardless of whether such increased cost was caused by any fault of the Government or not. I believe it was finally recognized that this did not supply any proper measure of damages, as I think every gentleman in this House will concede it did not, and later on there was an act passed, known as the act of March 2, 1867, which created the so-called Marchand Board, that was authorized to make findings of facts which did provide a proper measure of damages, namely—

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PRINCE. I yield the gentleman five minutes more.

Mr. LAW. Namely, among other things, the Marchand Board was authorized to find the amount of such increased cost caused by the delay and inaction of the Government. That did constitute a proper measure of damages, beyond the slightest question.

Now, the first claim that the gentleman from Maine refers to was presented to the Marchand Board, and the Marchand Board found that the amount of such increased cost caused by the delay and action of the Government, as determined by the board, to be due was nothing. It did find that the ship cost the contractors something like about \$25,000 more than the contract price. But the point is just this: If a contractor comes to you and makes a contract to build a ship for you, and then afterwards finds out that he has made that bid too low and that the ship cost him more than the contract price, you do not expect him to come back to you and say that he made a mistake, and that he wants you to make up the difference. Exactly the same thing applies to the second claim mentioned by the gentleman from Maine, in addition to this fact, that the claim in the Portland company case was paid in full and receipted for in full, and thereafter the claimants claimed more than they got when they receipted in full, presented their claim again to the Senate, and on February 5, 1902, the Senate Committee on Claims reported adversely on the proposition, and yet that same claim is in the Senate omnibus bill this year.

Mr. SWASEY. Now, as a matter of fact, I would like to ask whether or not under the resolution the Secretary of the Navy did not organize a board consisting of Commodore Selfridge, Chief Engineer Anderson, and Paymaster Eldridge, to pass upon these claims and they found that amount due.

Mr. LAW. No; they did not find that amount due. They were not authorized to find anything due. They were simply authorized to find out the difference between the contract price and what the ship cost them.

Mr. SWASEY. And later, upon their basis, was it not submitted to the court and the court found this?—

No evidence satisfactory to the court has been adduced to impeach the report or conclusions of the Selfridge board as above sent forth by either party to this case, and after deducting the allowances and payments for extra work, the difference between the contract price and the cost of the vessel to the contractors is \$11,708.97.

That was found by the court.

Mr. LAW. Certainly. The court simply found that the facts found by the Selfridge Board were presumably correct, nor am I in any way impeaching the finding of the Selfridge Board; but there is just this in regard to all those Selfridge Board claims, that the facts found by the Selfridge Board constituted no proper measure of damages and that the Selfridge Board resolution itself did not contemplate any proper measure of damages. They simply found the difference between the contract price and what the ship cost them, without regard to whether the Government itself was responsible in any wise for the excessive cost.

Mr. SWASEY. Was not there an act passed that there be paid to Amos L. Allen, surviving partner of Larrabee, and this amount of \$11,000 was found as the balance by the Selfridge Board and also by the Court of Claims?

Mr. LAW. I know of no such act.

The CHAIRMAN. The gentleman's time has again expired.

Mr. CALDER. Mr. Chairman, I ask that the gentleman's time be extended two minutes. I would like to ask him a question.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Illinois [Mr. PRINCE] are in control of the time.

Mr. KITCHIN. Mr. Chairman, I yield two minutes to the gentleman from New York.

Mr. CALDER. I want to call the gentleman's attention to the Senate bill, page 22, lines 8 to 14, containing two claims, one of Jeremiah Simonson, deceased, late of Brooklyn, and the claim of Tucker and others, of Brooklyn. These claims are both from the city which the gentleman [Mr. LAW] in part represents.

Mr. BUTLER. Is that Brooklyn, N. Y.?

Mr. CALDER. Yes, sir; Brooklyn, N. Y.

Mr. BUTLER. Oh!

Mr. CALDER. I want to ask the gentleman why these claimants are left out of the report from his committee.

Mr. LAW. I will be very glad to explain to my colleague. Two of the eight Selfridge claims that were cut out of the bill come from Brooklyn, N. Y., and they were cut out for precisely the same reason I have given to the gentleman from Maine [Mr. SWASEY], namely, that these are both Selfridge Board claims. Both of these claims were presented to the so-called Marchand Board, and the findings of that board as to the amount of such increase caused by the delay and action of the Government, as determined by the board, to be due is nothing in each case.

Mr. SWASEY. One question more.

The CHAIRMAN. Will the gentleman from New York [Mr. LAW] yield to the gentleman from Maine?

Mr. LAW. Yes.

Mr. SWASEY. I call your attention to another claim in the Senate bill, of the Portland Co., of Portland, \$16,173.49. I would like to inquire why that was cut out and not incorporated in your bill.

Mr. LAW. I explained that to the gentleman when I was on my feet before. That also is a Selfridge Board claim and comes in the same category, and in addition to that there is the fact that the Portland Co. was once settled with and receipted in full for all claims on account of this. Subsequently they came in and claimed more, and their claim was submitted to the Senate. In the Fifty-seventh Congress the Committee on Claims of the Senate considered this claim and reported adversely upon it, on the ground that they had already been settled with in full and had receipted in full.

The CHAIRMAN. The gentleman's time has again expired.

Mr. PRINCE. Does the gentleman from New York [Mr. LAW] desire more time?

Mr. LAW. I used all the time that the gentleman gave me, which was all the time I wished.

Mr. PRINCE. I will yield you five minutes more.

Mr. LAW. I do not care for it.

Mr. PRINCE. I yield to the gentleman from North Carolina [Mr. THOMAS] 10 minutes.

Mr. THOMAS of North Carolina. Mr. Chairman, it is incomprehensible to me that there should have been manifested the opposition which has been manifested to the consideration of this bill.

Mr. Chairman, those of us who favor the bill have been here now for two days and nights, nearly, fighting, not for any particular claim in the bill, although many of us are interested in specific claims for our respective States and districts, not only in the South but throughout the whole country; but, Mr. Chairman, we are standing here and making this fight against the filibuster which has been carried on by one man, the gentleman from Illinois [Mr. MANN], contending for what we deem to be simple justice, namely, a payment of the honest and righteous debts of this Government. That is our position.



I have heard it suggested in this debate, Mr. Chairman, that gentlemen upon both sides of the House are for this bill because they have some interest for their constituents in this bill. That is not true. We are interested for our constituents, but we are more interested in seeing that the findings of the Court of Claims to pay the just war claims and other claims of this Government are enacted into law by the House of Representatives and by the Congress of the United States. [Applause.]

Now, Mr. Chairman, what does this bill carry? What is in it? Why, it carries only the claims which have been adjudicated by the Court of Claims (and there is not a single claim in it that has not been adjudicated by the court) to pay losses incurred during the Civil War—losses incurred by individuals, by churches, and by schools, commonly known as war claims—to the amount of about \$1,154,000, and some navy-yard overtime and other claims, all having favorable findings of the Court of Claims.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from North Carolina yield to the gentleman from Missouri [Mr. SHACKLEFORD]?

Mr. THOMAS of North Carolina. I can not yield.

Mr. SHACKLEFORD. For just a question.

Mr. THOMAS of North Carolina. I have not the time. I beg the gentleman's pardon.

Mr. SHACKLEFORD. I grant it.

Mr. THOMAS of North Carolina. Now, how much has the Government paid on these war claims? Why, Mr. Chairman, in the whole history of the Government we have paid of these claims only a small part. During a period of 27 years Congress has passed only four omnibus claims bills, namely: The act of March 3, 1891; the act of March 3, 1899; the act of May 27, 1902; and the act of February 24, 1905. It has been six years since the Congress of the United States has passed a single omnibus claims bill.

Mr. BURGESS. How much did they aggregate?

Mr. SHACKLEFORD. How long has it been since the war? [Laughter.]

Mr. THOMAS of North Carolina. The aggregate of amount claimed in all cases tried by the Court of Claims since the Bowman Act is about \$100,000,000 and the aggregate that has been allowed by the court is about \$8,000,000. The amount of the war claims and other claims, except French spoliation claims, paid since the Bowman Act is about \$4,000,000.

Now, Mr. Chairman, they say the court makes only findings of facts. But let me call the attention of gentlemen to what is said in the report of the committee on that subject. It is said here, and I indorse every word of it—

The same considerations which make it imperative upon Congress to appropriate to pay final judgments of its courts should dictate the line of policy to be adopted with regard to findings of facts under the Bowman Act.

It is a general rule of international law, and has been laid down by the Supreme Court of the United States in many cases, that a person residing in an enemy's country is an enemy so far as his property rights are concerned. In modern practice, however, this rule has been disregarded when the necessity has arisen for supplying the invading army from the surrounding country. When Gen. Scott invaded Mexico he left behind him no unpaid bills for stores and supplies, and when Emperor William marched in triumph into the city of Paris he paid for every pound of produce taken from the French peasantry and consumed by his troops.

Shall the United States Government do less and be less just and honest? [Applause.]

Mr. Chairman, these claims have the approval of the President of the United States as well as the Court of Claims. [Applause.] Here is what the President says:

I invite the attention of Congress to the great number of claims which, at the instance of Congress, have been considered by the Court of Claims and decided to be valid claims against the Government. The delay that occurs in the payment of the money due under the claims injures the reputation of the Government as an honest debtor, and I earnestly recommend that those claims which come to Congress with the judgment and approval of the Court of Claims should be promptly paid.

[Applause.]

Gentlemen on the Republican side of the House, do you propose to set aside the recommendation of your President? [Cries of "Never!" "Never!"]

Now, Mr. Chairman, besides the war claims which are included in this bill there are simply some claims for navy-yard overtime and other just claims, all of which have been adjudicated by the court. Not a single one otherwise than an adjudicated claim is in this bill.

Now, in regard to war claims in our respective States and districts, gentlemen have said that we are interested in this bill, not to maintain the credit of the Government, not because it is just and right to pass the bill, but because our constituents are

interested. That is true; but this bill not only interests our districts, but our States and the whole South.

I hold in my hand one particular claim that shows the interest of the people in these claims. It is a resolution of the Baptist State Convention of North Carolina, assembled in its eightieth annual session, petitioning Congress to make payment to the Baptist Church of Newbern, N. C., for the occupation of that church by the Union soldiers during the Civil War. It reads as follows:

Whereas the First Baptist Church of Newbern, N. C., was denied the use of its house of worship from October 10, 1862, to May 10, 1865, by reason of its use and occupancy by the military authorities of the United States during the whole of that period; and

Whereas the Court of Claims has investigated the matter and found the facts as above, and has recommended to Congress the payment to the said church a fair rental for period of its occupancy:

Resolved by the Baptist State Convention of North Carolina assembled in its eightieth annual session, That it is the sense of this convention that the payment of this claim will be but a simple act of justice, the claim being thoroughly honest and equitable, and that the convention petition the Congress to pass the bill introduced in the Senate by Hon. F. M. SIMMONS and in the House of Representatives by Hon. C. R. THOMAS to carry out the recommendation of the Court of Claims in the said matter.

I certify that the above is a true copy of preamble and resolution adopted by the Baptist State Convention of North Carolina in session at Hendersonville, Thursday, December 8, 1910.

N. B. BROUGHTON, Secretary.

And those of us who are making the fight for the payment of these war claims are fighting not only for the principle that the Government should pay its just debts and abide by the decisions of its own courts, but in order to see that these claims of churches and schools in the Southland are paid, as they ought to be paid, as well as the claims of individuals. [Applause.]

After all, Mr. Chairman, what does this bill amount to in the aggregate? It is a mere bagatelle compared with the millions of money that this Government is spending for other governmental purposes—the Army and the Navy, and the Philippine policy of the Government; and after these claims have been adjudicated, after the interest that has been manifested in them by the Chief Executive, after the War Claims Committee and the Committee on Claims have passed upon them favorably, a refusal by this House to pass them would be, in my honest opinion, a gross injustice to the people of the whole country, and the people of the country, regardless of party, will place the responsibility for the failure to pass the bill, and the refusal to pay the honest debts of the Government, where it properly belongs, not upon us who have been standing here day after day and night after night fighting for their payment, but upon the gentlemen who have inaugurated this filibuster to prevent the payment of these claims and the passage of this bill. [Applause.]

Mr. Chairman, these claims go to every State. They are not confined to the South alone. It is true, as to the war claims, the larger part of the appropriation goes to the South; but the claims are distributed among all the States.

So far as the French spoliation claims are concerned, these have been favorably adjudicated by the court, but there is a committee amendment reported upon this Senate bill 7971 by the Claims Committee which gives every Member of this House the right to vote separately upon those claims, and upon a roll call, if it is demanded, to determine the question whether the French spoliation claims shall stay in the bill or go out of the bill. You have a right to vote upon that as a separate proposition; but do not let the French spoliation claims, or any other claims which you may be opposed to, keep you from voting for this bill as a whole and for the payment of the just and honest debts of the Government of the United States. [Applause.]

Mr. PRINCE. I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, one of my colleagues asked me the question a few minutes ago if I intended to vote to override the decision of my esteemed friend from Pennsylvania [Mr. OLMSTED], who was at that time occupying the exalted position of Speaker pro tempore of this House. I said I would vote to override the decision of a dozen Speakers, if necessary, in order to reach a vote on a bill which would honor a judgment of the Court of Claims, composed of a membership of Republican judges.

There are men in my district who were loyal to the Union who had their stores and supplies taken 50 years ago to maintain the Union Army. They have waited half a century for their pay. They have complied with the rules of law laid down by a Republican Congress. They have presented their cases to a Republican court created by a Republican Congress and administration. They received judgments in their favor six years ago, and I would be untrue to their interests, I would be untrue to what I conceive to be plain and simple justice, if I permitted any ruling or any set of rules to prevent me from voting out

of the Public Treasury the money to meet the decisions of the court in favor of those men.

I will stand here and fight for the maintenance of their rights if it involves an extra session of Congress. [Applause.] And if there be an extra session of Congress as a result of this matter, the responsibility will not rest entirely upon this side of the House, but upon those gentlemen who are willing to disregard the recommendation of our President and the decisions of our courts, and to stifle the will of a hundred majority in the House of Representatives. [Applause.] I believe we ought to remain here and fight this fight to a finish and put down the tactics of the gentleman from Illinois [Mr. MANN] and his lieutenants from Wisconsin and other States. [Applause.] They do not represent the great Republican Party of which I am a member. [Applause.] And I want to say to the gentlemen on the other side of the House we are not responsible for the filibustering tactics of this small crowd and we will stay here and vote this bill through or have an extra session of Congress. [Applause.]

Mr. BUTLER. You are not going to vote it through on Sunday, are you?

Mr. AUSTIN. Yes; or any other good day. Now, I want to make public acknowledgment of the splendid services of the chairman of the Committee on Claims and the chairman of the Committee on War Claims. They have rendered excellent service to this House and the country. They and their subcommittees have investigated the provisions of these bills, the findings of the court, and upon their responsibility as Members of this House have said that these claims are just, and that they ought to be paid. So we have the unanimous decision of a Republican court, we have the indorsement of two of the Republican committees in this House, we have the approval of the Republican President of this country, and we have back of us 100 majority of this House, and let us stay with them and put this bill through. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Chairman, the gentleman from Tennessee, who has just preceded me, gave his testimony of his loyalty to the cause of his constituency. I know that virtue to be in him, much as I enjoy his outward favor. No man on the floor of this House, North or South, East or West, is more faithful in the discharge of his public duties, more loyal to the highest interests of his constituency and country, than the gentleman from Tennessee [Mr. AUSTIN]. [Applause.]

Mr. Chairman, I am in favor of the adoption of this measure. It has been a football in this Congress for many years, and if for no other purpose than to remove the subject matter of this exalted game, I would be more than anxious to secure its adoption at this session of Congress.

Most of these claims, Mr. Chairman, come from that section of our country called the Southland. They are claims for property destroyed in this Nation during the Civil War and owned by men who were loyal to the flag of this Nation. I sat here a few days ago and voted for a pension bill increasing for the Union soldiers of this Nation their annual allowance between \$30,000,000 and \$40,000,000. If that measure becomes a law, and the indications are that it will, we will pay to the Federal soldiers in this Government over \$200,000,000 per annum, a sum of money unexampled in the annals of time as a contribution to the patriots of any nation.

I saw on yonder side of this House a man who, I am informed, stood with the Confederates in that mighty conflict, a man who marshaled his boys on the plains of battle and fought for the flag of the South. That man voted, three weeks ago, for an addition of \$40,000,000 to the brave and gallant men against whom he contended on the plains of battle, and it is no more than just that we, as the descendants of these patriotic men of the North, should make this small contribution in return to the gallant men of the South. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, it is not my desire to talk on the present occasion; but, like some of my brethren, I feel like making an honest confession for the benefit of our constituents. The War Claims Committee is besieged by Members who have claims, begging us to make favorable reports and get their bills on the calendar. We do so, and I have been a kicker on many a bill and refused to report it because I did not think it was just and proper. When we get these bills on the calendar it seems to satisfy some gentlemen that they can write home that the bill is reported, but when the time comes to take action and it takes votes, some gentlemen are indifferent. We have been unable to keep 100 men here out of 391 in the House during the sitting of the committee.

We have taken every move we know how ever since 10 o'clock on yesterday to try to have this bill considered, under the rules, in an orderly and proper manner. Every Democrat in this House voted against the rules of this House, as my recollection is—it may be a few voted for the rules. We have proceeded under these rules until we find it is impossible further to consider this measure—I mean with any hope of success—in a manner in order under these rules which we did not make. But after patience and resources were exhausted the gentleman from Alabama [Mr. CLAYTON], who is the ranking member of the Judiciary Committee, who will be the Chairman of the Judiciary Committee in the next House, whose reverence for law and order we presume to be of the highest, presented a resolution to make this bill in order for consideration next Tuesday, knowing that if we adjourned to-day for the special order to-morrow the privilege of bringing this bill up again is lost. The rule he offered for present consideration was met by a point of order, which point of order was sustained by the Chair, from which ruling of the Chair an appeal was taken.

But gentlemen on this side who voted against these rules and have abused them all over this country as Cannon rules and Cannonism, by which the hands of the minority are fettered, thought so much of these rules that they stood here with a ye-and-nay vote and refused to overrule the Chair. The Chair was correct under the rules, under these rules of the majority, made to enable the majority to legislate and prevent the minority from doing anything. Let me show you how the majority get around things. Whenever general rules get in the way of the majority they send a rule to their own Committee on Rules, of which they have a majority, and make that in order to be considered which would otherwise be held out of order. Now, how is the minority to make rules? Only to vote that the decision of the Chair shall not become the decision of the House by the vote of the House.

Now, in all probability we have lost every opportunity we have to pass this bill by Democratic votes—Democrats who have come back here by abusing the very rules that they have here sustained rather than to have just debts paid to your constituents. Now, what are we to do? When men love the fetish of form more than the substance of absolute justice, how is justice to be attained? I have stood here in poor health for two days and nights, and yet when we propose to make a matter in order in the only way the minority can make it in order, by voting to overrule the Chair, the gentlemen who love the rules, the Cannon rules, which they voted against and which enabled them to get back to Congress by abusing them, stood up here for these very rules and made it impossible in all probability to get these just judgments of the United States court paid.

What are we to do? Will these same gentlemen go before the Committee on War Claims in the next Congress and beg us to report bills and say they will get up any time to sustain a Cannon rule when it is applied by a majority to them, when the majority, by making the rule which they have the power to make, can relieve themselves?

Now, the chairman of the next Ways and Means Committee, one of the most eminent authorities on our side on parliamentary law, voted to overrule the Chair. When our leading expert on rules is willing himself to make a rule by the force of a vote, how are you gentlemen going to apologize and explain to your constituency that you stood by the Cannon rules when UNDERWOOD would not stand by them?

Mr. BUTLER. They will have to say that UNDERWOOD was wrong. [Laughter.]

Mr. SIMS. I would like to hear them explain to a fellow who has a claim and can not get it paid. The gentleman from Alabama admitted that we worked a revolution last winter in order to get the Speaker off the Committee on Rules, but we can have no revolution when it comes to paying just debts. Now, if you gentlemen who know the rules and who love them better than success, who would rather live up to them than to insure the payment of just debts, will tell us how to get together and get this bill passed, I will follow you. I will admit, so far as I am concerned, I do not know how to do it except by a rule making a date certain for a vote.

Mr. ALEXANDER of Missouri. I would like to suggest one way to pass the bill—

Mr. SIMS. What is it?

Mr. ALEXANDER of Missouri. And that is for you folks to quit talking and let us vote. [Prolonged applause and laughter.]

Mr. SIMS. Mr. Chairman, what is the difference in talking and voting when you vote wrong? Talking is harmless, but voting is powerful, and you stand here and vote to Cannonize the rules, to raise a monument to them. I would like to fol-



low the leadership of anybody who knows how to get this bill passed. [Laughter.] I suppose the gentlemen who think more of the rules than they do of getting claims paid will furnish a remedy.

Mr. PRINCE. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, there is no better way of securing applause than to throw the chest out and bring down your fist on the nearest desk and say that you are not afraid of anybody, and then say something about your constituents. [Applause.] But we are called upon here to appropriate about two and three-quarter millions of dollars, and we have been listening for 48 hours to declamations, defiances, and denunciations and have had absolutely no explanation of any one of the items making up this bill. I hold in my hand the report of the committee, and I find six pages are taken up in tables showing how the items making up this pork barrel are distributed among the several States. [Laughter and applause.]

A MEMBER. How much does Kansas get?

Mr. CAMPBELL. There is one item; but I do not care how much Kansas gets, the barrel stinks.

Mr. HUGHES of New Jersey. That is the case that stinks—Kansas.

Mr. CAMPBELL. I would like any gentleman to tell if he has examined any one of the items making up this pork barrel. I do not care who it is; I would like to have the gentlemen from Tennessee or one of the gentlemen from Tennessee—[Cries of "No!"]

Mr. CAMPBELL. Gentlemen say "No," but I would like to hear some of the facts upon which some of these claims are based.

Mr. KENDALL. Take his word for it; he is a truthful man. [Laughter.]

Mr. CAMPBELL. Yes; he is truthful, but he does not testify in behalf of any of these items.

Mr. KENDALL. He knows.

Mr. CAMPBELL. But he only asks for the money, without giving evidence and declaring the claimants were loyal—

Mr. KENDALL. Is the gentleman from Kansas trying to impeach the gentleman from Tennessee?

Mr. CAMPBELL. Not at all; far be it from me to impeach the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. Will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL. Will the gentleman from North Carolina yield to me?

Mr. KITCHIN. I will yield the gentleman two minutes.

Mr. CAMPBELL. Now, gentlemen, I am talking seriously to this House.

You may think it an unimportant matter to the country to vote two and three-quarter millions out of the Public Treasury without an explanation of a single item in the bill making up this omnibus bill.

Mr. GARRETT. Will the gentleman yield?

Mr. CAMPBELL. I have no time.

Mr. AUSTIN. Is it not a fact the gentleman has voted for public buildings without any explanation?

Mr. CAMPBELL. Not at all; we always have the report of the committee on building bills—

Mr. AUSTIN. But not item by item.

Mr. CAMPBELL. Yes; item by item, after hearings upon them; but this report does not show a reason for the passage of a single one of the bills incorporated here in this pork barrel; not one.

Mr. AUSTIN. I desire to ask the gentleman if he heard the statement of the chairman of the committee in regard to this bill.

Mr. CAMPBELL. I heard the chairman's statement, and I have the report in my hand made by the committee, and I find the items distributed among the States so as to get votes for the pork barrel. That is what the report shows, and all it shows.

Mr. KENDALL. It was necessary to distribute these bills that way or this omnibus bill could not be passed.

Mr. CAMPBELL. Oh, yes; that is what I say; it was absolutely necessary, I take it, that the report should distribute the items among the States, but there has been nothing said about the merits of the cases; not one.

Mr. COLE. Does the gentleman think that by putting that one item in it would get the whole Kansas delegation?

Mr. CAMPBELL. Well, it will not get one Member from Kansas, I will assure the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to give the gentleman an extra half hour.

Mr. NORRIS. Mr. Chairman, I yield him all the time he wants. [Laughter.]

Mr. PRINCE. Mr. Chairman, I call for the regular order.

Mr. HUGHES of New Jersey. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey will state it.

Mr. HUGHES of New Jersey. Who has the floor?

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] has the floor.

Mr. HUGHES of New Jersey. I ask the gentleman to yield to my friend from Tennessee [Mr. GARRETT] five minutes of time.

Mr. KITCHIN. I have yielded to my friend from Mississippi [Mr. CANDLER] four minutes.

Mr. CANDLER. Mr. Chairman, I must confess I am very much surprised at the speech which has just been made by the distinguished gentleman from Kansas. He says there is not a single reason given in the report of the chairman of the committee for the payment of these claims. There is one question that is beyond controversy, and that is the fact that standing behind every single, solitary claim that is presented by the report of the committee is a favorable finding of the Court of Claims of the United States. [Applause.] This court was established by Congress in order to determine and pass upon the validity of these claims.

Mr. AUSTIN. By a Republican Congress.

Mr. KENDALL. That does not invalidate it.

Mr. CANDLER. As I said a moment ago, there is not a claim included in the bill as reported by the Committee on Claims upon which there is not a favorable finding by this court of competent jurisdiction established by the legislative branch of this Government to pass upon these claims.

Mr. CAMPBELL. May I ask the gentleman a question?

Mr. AUSTIN. And every judge upon that court is a Republican.

Mr. CAMPBELL. Did the gentleman from Mississippi [Mr. CANDLER] ever read the testimony in any one case of the cases submitted to the Court of Claims upon which a finding was made?

Mr. CANDLER. That was the business of the court.

Mr. CAMPBELL. Did the gentleman read any of that testimony? We are called upon here to render a judgment.

Mr. CANDLER. That was the duty of the court and not the duty of "the gentleman from Mississippi." When you submit a case to a court, and before that court the Government is represented by attorneys—

Mr. CAMPBELL. They are nothing more than a referee.

Mr. CANDLER (continuing). And the claimant is represented by counsel, and the facts are presented to the court, then the court of competent jurisdiction under their oaths to do their duty perform it—I presume, patriotically—and with the purpose of finding out the truth and finding out the facts. There is one thing that is remarkable, and it is getting to the point in this country when the people are getting very tired of it, and that is, that the Government of the United States demands of its citizens the payment of every dollar that any citizen of this country owes to the Government.

It uses every power at the command of the Government in order to enforce payment, and it usually succeeds; but when comes to the time when this great Government that is filled with marvelous and wonderful resources and, thank God, has always been able, up to date, to meet its responsibilities and to meet its obligations, comes to the payment of its debts to its citizens, it puts them off from year to year and for decades of years, until the claimants have grown old with age, and even in their old age, when they are feeble and oftentimes unable to support themselves, the Government withholds from them what it honestly ought to pay them. I believe that the time has come in these United States when the Government ought to pay its honest debts, and especially when those debts are backed up and sustained by the judgment of a court of competent jurisdiction. [Great applause.]

In the States, whenever a judgment is obtained against a county, aye, in a municipality, when a judgment is obtained against a municipality and payment is refused, there are some means provided by law whereby a claimant may get into court and at least, by judicial proceeding, have an opportunity to enforce the payment of the judgment which has been rendered in his favor. [Applause.] But the Government of the United States can not be forced to pay. The citizens must depend upon their Representatives in Congress to see that the Government does pay what it honestly owes to its people.

Mr. CAMPBELL. Does the gentleman from Mississippi contend that a judgment has been entered in any of these cases?

Mr. CANDLER. I contend that there is a favorable finding of facts in favor of the claimants.

Mr. CAMPBELL. A very different thing from a judgment.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANDLER. We are called upon here to render our judgment, and to authorize the payment of these debts of the Government.

Mr. KITCHIN. I yield to the gentleman two minutes more.

Mr. ANDERSON. I ask unanimous consent to give the gentleman from Mississippi [Mr. CANDLER] an extra half hour.

Mr. CANDLER. I sincerely thank my good friend from Ohio.

The CHAIRMAN. The time of the committee is in the hands of the gentleman from North Carolina [Mr. KITCHIN].

Mr. CANDLER. Under the law as passed by Congress these claims were referred to the Court of Claims.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KITCHIN. Mr. Chairman, I yielded him two minutes more.

Mr. CANDLER. Under the law as passed by Congress these claims were referred to the Court of Claims in order that that court might pass on the facts and report its findings. For the benefit of the gentleman from Kansas [Mr. CAMPBELL] I will say again that every claim in this bill as reported has a favorable finding of facts from the Court of Claims. The committee put no claims into the bill without a favorable finding of facts reported from the Court of Claims.

Mr. COLE. Is there anything in this bill, may I ask the gentleman, for the Tombigbee River?

Mr. CANDLER. No. But I may state to the gentleman that if the Tombigbee River had a claim in this bill it would be a just claim, because the Tombigbee River has never and will never present a claim but one that is just and right. [Great applause.]

Now, just a word more. The gentleman from Kansas has said that this is a "pork barrel." Let me say that you can not make a pork barrel out of findings, favorable findings, coming from a court of justice. Such findings never made a pork barrel in this country, and never will make a pork barrel, because when a finding is made by that court and comes back from that court to this body in a report of the court as to the findings, showing that the claim is a just claim, it is up to us to see whether it shall be paid or not. [Cries of "Go on!" "Go on!" "Don't stop; go on!"]

Mr. MASSEY. The gentleman from Mississippi was speaking about a pork barrel. May I ask him if the contents of it are not old enough to be stale and tainted? [Laughter.]

Mr. CANDLER. Some of it is old, and ought to have been paid a long time ago, and if the Government had discharged its honest obligations it would have been paid. And the gentleman from Kansas said it did stink. If that is true, the way to disinfect it and to keep it from stinking is for the Government to pay its honest debts promptly. [Laughter and applause.]

I believe that the debts of the Government should be paid with the same promptness and honest integrity that we as individuals pay our own honest debts. [Great applause.]

Mr. KITCHIN. Now, Mr. Chairman, I yield five minutes to my venerable friend from Missouri, Judge RUCKER. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I am glad to find the gentleman from North Carolina in such a happy mood tonight. The fact of it is the Democracy is happy—all of us are happy. Moreover, we are united, and what appeared to be a lecture delivered by the distinguished gentleman from Tennessee [Mr. SIMS] was not really intended to be a lecture. He recognizes as well as anybody that each individual Member has a right to vote on such questions as these as he thinks proper. He recognizes that every Democrat here who voted to sustain the Chair voted his convictions. I, myself, voted with the gentleman from Tennessee, and I really think it would be more difficult for me to explain my vote than it would be for some of my colleagues who voted the other way to explain theirs.

But, Mr. Chairman, we have a gentleman springing up from the West, away out from the plains of Kansas, who undertakes to tell trusted Representatives of the people what they should do; and not only so, but in his broad and sweeping denunciation he impugns the organized tribunals of this land; he assails the judiciary of the country; he assails the integrity of this House; he assails gentlemen who have the approval of the President of the United States, and who owe their positions to him; and he assails gentlemen who have behind them no less support than that of the distinguished Speaker of this House,

who, without consulting anybody, appointed every man on every committee in the House. [Laughter and applause.]

It may be that the gentleman's criticism is just. It may be that the Republican committees of this House are reckless in the discharge of duty. It may be that they have reported a pork barrel, as charged by the gentleman from Kansas [Mr. CAMPBELL], but I deny it. I, for one, want to say, on the contrary, they have hewn too closely to the line. They have allowed even sentimentality to guide their actions, it seems to me. So far as my observation is concerned, I cheerfully indorse the committees of the House; not only the committees now on trial, but all the committees, for faithful, honest, and efficient work generally, and always, so far as the Democratic side of the committee is concerned. [Applause on the Democratic side.]

Mr. Chairman, we read every day in the press of the pork barrels that we make here, and no wonder we are criticized by the public and it has become a questionable honor to represent a proud constituency on this floor, when we find gentlemen here with the hardihood to stand upon this floor and denounce the courts of the United States and the committees of the House for reporting bills and for alleged prorating among the membership the so-called pork, in order to capture, to subsidize, or to buy the votes of Representatives.

Mr. CAMPBELL. I find that Missouri has only 16 pieces in this pork barrel.

Mr. RUCKER of Missouri. The gentleman from Kansas is as far wrong about that as about the other, and if he makes that statement deliberately, and made the other deliberately, neither one of them is true.

Mr. CAMPBELL. I have the bill here.

Mr. RUCKER of Missouri. I do not intend to indulge in personalities. I like the gentleman from Kansas.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Kansas?

Mr. RUCKER of Missouri. Certainly, I will yield to him; but I ask him to be quick about it, because I have only a few minutes.

Mr. CAMPBELL. On page 19, the gentleman from Missouri will find 16 claims from the State of Missouri.

Mr. RUCKER of Missouri. Oh, the gentleman is talking about the whole State of Missouri?

Mr. CAMPBELL. Yes.

Mr. RUCKER of Missouri. The gentleman might as well put in Kansas, too. I do not represent the whole universe. Unfortunately, or perhaps fortunately, I am not one of those few who arrogate to themselves supremacy over the universe.

Mr. CAMPBELL. The Missouri claims are 16 to 1.

Mr. RUCKER of Missouri. A distinguished author, frequently quoted, once wrote of a character whom he described as a man who—

With odd old ends stol'n forth of holy writ;  
And seem a saint, when most I play the devil.

And I sometimes wonder if that language was prophetic and could have any reference to certain gentlemen on the floor of this House.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KITCHIN. I yield to the gentleman from Missouri two minutes more to round up. [Laughter.]

Mr. RUCKER of Missouri. Mr. Chairman, I want to say, with reference to the care and painstaking ability that these gentlemen on the committee have exercised in reporting this bill, that if they have treated every claimant as they treated an old man in my district, the criticism should be the other way; and before this Congress adjourns, if this filibuster ever ends, I am going to oppose the Committee on War Claims with all my force, not because they have been unjust to the Government, but because they have been unjust to an old man who until recently resided in my district, and I want to assure the gentleman from Kansas [Mr. CAMPBELL] it is no humiliation for me to stand here in advocacy of the rights of a citizen of that district. I compliment my Republican friend from Tennessee [Mr. AUSTIN] for his advocacy of the interests of his constituents.

I say the highest duty a man owes is to be loyal and true to those whom he courted and wooed and whose confidence he won. I say that the man who is disloyal to them never was worthy of the confidence reposed in him, and I rejoice in seeing gentlemen stand for the integrity of their districts and for the integrity of the citizens of their districts. I am going to ask the House after a while not to decrease this bill, but to increase it for the benefit of an old man I have heretofore referred to, and give him what I am absolutely sure he should have.

Mr. KENDALL. Is that the same man you were talking about last night?



Mr. RUCKER of Missouri. Yes; it is the same man; that is the second edition about him. Mr. Chairman, can I get unanimous consent for a few minutes longer?

Mr. KITCHIN. Mr. Chairman, I will yield the gentleman a minute to finish the story about the poor old soldier.

Mr. RUCKER of Missouri. I am very grateful to my friend, but one minute is hardly adequate to describe his condition and the merits of his claim. I will take some other time when the House is in a better frame of mind, when I will ask for an hour to tell the House fully about the merits of his case. I thank the gentleman from North Carolina.

[Mr. COLLIER addressed the committee. See Appendix.]

Mr. KITCHIN. I now yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, as I am a member of the War Claims Committee, I want to resent, in behalf of that committee, the charge made by the gentleman from Kansas that this is a "pork-barrel" bill. The Committee on War Claims have reported in this House a bill with only such claims as have been referred to the Court of Claims by the House and reported favorably by that court.

As has been stated by the gentleman from Mississippi, in every one of these claims the loyalty of the claimant has been established by the court. Not only have these claims been considered by the court, but resolutions were first referred to the War Claims Committee, favorably reported by that committee, and passed by the House before they went to the court, and in each case ex parte proof was made before that committee and then the case went to the Court of Claims, and was tried by the very tribunal that this Congress has created for the purpose of hearing and determining such claims.

They are based on findings of the Court of Claims and not apportioned to the States according to the number of districts in the several States, nor according to the individual Representatives of the State, but apportioned to the States according to the number of findings of the Court of Claims on the subject.

The gentleman from Kansas challenged the committee to cite one case that is just, and I would like to have his attention while I tell him about one. The case is of William H. Engles, of Washington County, Ark., for \$1,510. He lives at Prairie Grove, in Washington County, Ark. At Prairie Grove was fought one of the bloodiest battles of the Civil War fought west of the Mississippi River. This old man, in a country where his neighbors and the whole community were in insurrection and rebellion against the Government, remained loyal, and the commanding officer of the Federal forces took his corn, his meat, and his wheat, to the amount of \$3,000, according to the order given by the commanding officer. He receipted for the amount.

That old man to-day is still living, 87 years old, and this great Government has refused to pay him one dollar, and yet the Court of Claims, established by this Congress to adjudicate such claims, after hearing the testimony, has adjudicated and reduced the amount below what the commander gave him to \$1,510.

Mr. KENDALL. Mr. Chairman, I would like to ask the gentleman when that claim was first presented to Congress.

Mr. FLOYD of Arkansas. I could not tell the gentleman when it was first presented, but he has been trying to get it paid ever since the Civil War and never has received a cent. I say that such treatment of loyal citizens of this Republic is outrageous. It was not for property destroyed. Some one said that we were paying for property destroyed.

There is not an item in the bill for property destroyed. It is for property taken and used by the Federal forces under article 40 of the Regulations of the War Department, which allowed Federal commanders to go and take property from loyal subjects wherever they might find it for the use of the Army, but which required them to give a receipt for the property taken and the value of it.

Mr. KENDALL. The question I had in mind was why the previous Congresses had not adjudicated it.

Mr. FLOYD of Arkansas. It has been in every bill of this kind that has been reported by the House since I have been a Member of Congress.

Mr. CAMPBELL. Will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. CAMPBELL. Did the gentleman from Arkansas ever present this claim on its individual merits in the House?

Mr. FLOYD of Arkansas. No; I never had an opportunity, but the committee of which I am a member has reported all of these claims, and we have sorted those out which we believed to be absolutely just, about which there could be no question, and have put them in an omnibus bill, and wherever there was the

shadow of a doubt about a claim we have reported it in a separate bill, and many of those separate bills have passed.

Mr. CAMPBELL. What testimony was produced before the Court of Claims when this claim was passed?

Mr. FLOYD of Arkansas. I have not been to the Court of Claims. It is sufficient to me that the Court of Claims has heard the sworn testimony of witnesses taken under the rules of that court, and has entered its findings and judgment in favor of the claimant.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. How much time have I remaining?

The CHAIRMAN. The gentleman has 54 minutes remaining.

Mr. KITCHIN. I yield five minutes to the gentleman from Arkansas [Mr. ROBINSON]. [Applause.]

Mr. ROBINSON. Mr. Chairman, considerable levity has been indulged in during the course of this discussion. I beg to call the attention of the committee to the fact that this is an important measure; that it deserves careful and deliberate consideration. The Congress of the United States has provided a tribunal before which testimony relating to war claims may be presented. That tribunal has passed upon questions of fact, and this bill contains no item upon which favorable findings have not been had.

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman if it is not a fact that the Court of Claims details a special attorney to go on the ground and examine the witnesses and cross-examine them.

Mr. ROBINSON. It is a fact, and I was just about to say that the gentleman from Kansas [Mr. CAMPBELL] is too good a lawyer to make the argument which he has offered this evening in good faith, in my judgment. Mr. Chairman, it is not only true that the Court of Claims details an attorney who goes upon the ground and examines the witnesses and cross-examines the witnesses for the claimant, but every right of the Government of the United States is carefully preserved in those hearings, and it ought not to lie in the mouth of a Member of Congress to question the findings of facts made by a tribunal which has been established by the law passed by this body. Almost 50 years have come and gone since the Civil War closed. Oh, the gentleman from Kansas comes from a section of this Republic which is not materially affected, perhaps, by the consideration of this bill.

But I want to say to him that liberal-minded men indorse the principle that the citizen should pay his debts when he is able to do so, and they go further than that, and confirm the principle that the Government ought to pay its just debts when they have been established by a tribunal of its own choosing. There is a spirit of justice, gentlemen, underlying these war claims that ought to address itself to you, whether you come from the East, the West, the North, or the South. This bill provides a restitution for property taken by the Federal Army to maintain its soldiers when they were in the field fighting the battles of this Republic. This is a restitution for property which was contributed by loyal citizens of this Republic to be used in maintaining its flag when hundreds and thousands of hands were uplifted to pull it down. I say to you if you want to do justice, if you want to be fair, you should pass this bill, which has been too long delayed.

It is no argument to any fair-minded lawyer to say that the Government has postponed the payment of just debts for a half century and therefore it ought not to pay them at all. The hour has come and the clock is about to strike when this Congress ought to affirm by legislation the principle that every just debt established by a tribunal fixed by Congress should be paid and paid as promptly as possible. I appeal to my friends on that side of the Chamber in all seriousness to let this measure pass. You know that it is just, you know that you can not fairly impugn the integrity of the Court of Claims, and you know that you can not assail this bill unless you do impugn the findings of fact for which this bill contains provision. Mr. Chairman, I yield back to the gentleman what time I may have remaining. [Loud applause.]

Mr. KITCHIN. Mr. Chairman, I am opposed to the French spoliation claims and am in favor of the claims known as war claims, both of which are now under consideration. I do not believe that any man who has given a thorough investigation to these French spoliation claims can conscientiously vote to pay a dollar upon them. These claims arose more than 100 years ago and the losses sustained for which they are made occurred between 1793 and 1801. Some gentlemen here seem to be under the impression, and have, no doubt, been so informed by those interested in the passage of this bill, that France actually paid into the Treasury of the United States the money with which to liquidate these claims, and that for some reason or other our Government wrongfully withheld payment from the original claim-

ants, and is now withholding it from their remote and distant heirs. There is not a shadow of foundation for such impression, nor a particle of truth in the information. The claims for which indemnity was made by France in the treaties of 1803 and 1831 have long ago, before our day, been paid, and are in no way connected with the claims in the bill under consideration.

The claims under consideration, known for a hundred years or more as the French spoliation claims, are for damages sustained between 1793 and 1801, during the maritime war, or quasi war, between this country and France on account of the seizure, detention, and confiscation by the French of the vessels and cargoes of American citizens engaged in foreign commerce. The validity of these old claims rest on the contentions, which were immediately made to the first Congress after the treaty of 1801 and have continued to this hour, that the owners, being American citizens, had the right to demand of France indemnity for the damages inflicted, and the right, if France refused payment, to demand of our Government to use its diplomacy, and, that failing, its military powers to enforce payment from France; that, France having demands against the United States for alleged violations on our part of the treaty of 1778 and also demands for damages inflicted by American citizens upon the property of its citizens, in the treaty of 1801 the mutual demands of the respective Governments were waived for mutual considerations, and that by thus surrendering the demands and rights of her citizens our Government took their property for its public use without compensation, which is forbidden by the Constitution. I regret that my time is so limited that I can not go into an analytical discussion of these contentions and show how utterly unfounded they are.

The men who founded this Republic had these claims immediately presented to them and they refused to pay them. In 1802 they were presented to Congress. A committee investigated and reported, but without positive recommendation, that they should pass; and upon that report, although the losses had only occurred from two to seven years before this, and when all the evidence of the facts and circumstances connected with the claims was fresh in the minds of all, while the original claimants, the actual sufferers, and all the witnesses were living, the House, all of whose Members were witnesses to and many of them actors in the very events that gave rise to the demands, by an overwhelming vote defeated a bill or resolution to pay these claims and denied their validity.

Again, in 1818, a committee of the Senate investigated these very claims, took evidence, considered petitions and memorials, at a time when all the facts and circumstances were still fresh in the minds of the people and of the Members, and this committee unanimously reported that these claims were not valid obligations upon the Government and ought not to be paid, and the Senate, following the report, overwhelmingly, I think without a single dissenting vote, declared that these French spoliation claims should not be paid and that the Government was in no way liable. Again, in 1822, while still fresh in the minds of Congress, a committee of the House reported adversely; and again, in 1824, an adverse report was made by the House committee, and, as I recall, the House in both instances voted against their validity and payment. And yet more than 100 years afterwards this Congress is asked to appropriate \$842,688.53, and an additional appropriation will be asked of \$1,458,738.73 for the old insurance companies that 115 years ago underwrote the risks of the vessels and cargoes, notwithstanding the fact that they were paid large and increased premiums for the very risks which eventuated in the losses to the owners. These insurance companies claim that the Government was liable to the American owners of the vessels and cargoes; and these owners, being paid by them for their losses on account of the spoliations and seizures, they, the insurance companies, are subrogated to the rights of the original owners. The subcommittee of the Committee on Claims at this session, while we were considering this bill, reported favorably an amendment to the bill, appropriating the additional \$1,458,738.75 to pay these insurance companies.

Mr. KENDALL. I understood the chairman of the committee, in his statement to-night, to suggest that possibly the reason that the Government had refused payment of those early claims of which the gentleman speaks was because its resources were so limited it was thought inexpedient to incur that obligation. I wish the gentleman from North Carolina [Mr. KITCHIN] would develop his view on that subject.

Mr. KITCHIN. I heard the gentleman say that myself, but, between you and me, he did not know what he was talking about [laughter], because that was not even suggested in any of these early reports or in the adverse actions of the House

and Senate. Congress did not consider that. Congress in 1803—

Mr. BROUSSARD. Will the gentleman permit an interruption?

Mr. KITCHIN. I will.

Mr. BROUSSARD. As a matter of fact, were not the claims much larger than the entire revenue of the Government, and was not that the reason the Government at that time did not consider these claims?

Mr. KITCHIN. Is that your information?

Mr. BROUSSARD. That is my information, absolutely; that it was because of that reason.

Mr. KITCHIN. That is your information from people who are living now, and that information is absolutely incorrect.

Mr. BROUSSARD. It was because, if the gentleman will permit me, the claims were between \$20,000,000 and \$40,000,000, and at that time the entire revenues of the Government were less than \$11,000,000. Is not that a fact?

Mr. KITCHIN. The amount of the claims at that time were estimated by some at from \$5,000,000 to \$8,000,000.

Mr. BROUSSARD. Did not some estimate them as high as \$40,000,000, and was not the revenues of the Government at that time only about \$11,000,000?

Mr. KITCHIN. No man in Congress, no man on any of the committees, estimated them at anything like \$25,000,000, but it is possible they had claim lawyers and claim lobbyists then, as now, who made excessive claims.

Mr. BROUSSARD. But I am seeking the gentleman's opinion, not that of the claim lawyers. In the gentleman's opinion, about how large were these claims?

Mr. KITCHIN. Between \$5,000,000 and \$8,000,000. And as evidence of this, no bill introduced in those very times and for 75 years afterwards asked for more than \$5,000,000 with which to pay the claims.

Mr. BROUSSARD. True. Now, then, that is the gentleman's opinion. Is it not a fact that the entire revenues of the Government at that time did not exceed \$11,000,000?

Mr. KITCHIN. I do not know about that, I will say to the gentleman; but I do know this, that in 1803, when this matter was discussed, Congress decided, upon the evidence of men who suffered the losses and living witnesses of the facts and circumstances surrounding these claims, that these were not valid obligations on the part of the Government—not valid claims—not that they were good claims and the Government was not able to pay them. But, in answer to you further, the Government was able to pay in 1818, in 1822, and 1824; and it was able to pay in 1890, in 1892, in 1893; and the Government was able to pay in 1895 and in 1896, when the House by positive votes in each of those years refused to pay and denied their validity. For 90 years the Government was able to pay, and yet, with these claims knocking at the doors of Congress at almost every session during that time, payment was refused.

Mr. BROUSSARD. And the Government was able to pay in 1891, 1899, in 1902, 1905, and 1909, and the Government did pay. Now, what answer has the gentleman to make to that argument?

Mr. KITCHIN. The Government did not pay in 1909, but I am going to come to these payments later and try to satisfy both the gentleman and the House about them.

Mr. PRINCE. Will the gentleman yield to a suggestion?

Mr. KITCHIN. I will.

Mr. PRINCE. Let me read this much:

There have been 70 reports in all, of which 39 have been made in the Senate and 31 in the House. Of these reports, 65 are favorable to the claims and seven are adverse. Of the latter, three were before 1826, when for the first time Congress had before it all the evidence in regard to these claims, gathered from the correspondence.

And here is a list of the reports to the House and the results. In 1802 there was a favorable report and in 1807 a favorable report.

Mr. KITCHIN. You leave out the action of the House in 1803 and the action of the Senate in 1818, by which payment was refused by an almost unanimous vote, and many other such actions of the House, to which I shall later call attention.

Mr. PRINCE. Eighteen hundred and two was a favorable report.

Mr. KITCHIN. No; that was not positive. The report leaves the matter in doubt.

Mr. PRINCE. The report by a select committee April 22, 1802, was a favorable report, in the first session of the Seventh Congress, and then—

Mr. KITCHIN. One minute. You have 30 minutes, or an hour, after I get through, and you can put that in.

Mr. PRINCE. Yes; I am going to put that in the RECORD. I want to say that in 1835 Webster went over the whole matter



and made one of the most famous speeches that has ever been made in either branch of Congress on the subject.

Mr. KITCHIN. Oh, that is what these claimants say; but I will remind the gentleman and the House that, notwithstanding Mr. Webster's report and famous speech, both the Senate and the House refused to act.

Mr. CULLOP. I would like to suggest to the gentleman—

The CHAIRMAN. Does the gentleman from North Carolina yield?

Mr. KITCHIN. Yes; if it is a good suggestion. [Laughter.]

Mr. CULLOP. I would like to say to the gentleman from North Carolina, in answer to the argument that the Government did not have the money in 1835, that it was during that time, in the administration of Andrew Jackson, that the first great surplus in the United States Treasury occurred, and it was so great that \$28,000,000 was distributed among the States.

Mr. KITCHIN. And I may add that it was the first and only administration that ever got this Government out of debt. Yes; the gentleman is correct. There was a surplus of many million dollars in the Treasury in 1835, when, as the gentleman from Illinois [Mr. PRINCE] reminds us, Mr. Webster made that famous report and speech in behalf of these claims, and yet with an overflowing Treasury Congress refused to pay them.

Mr. BROUSSARD. Would the gentleman from North Carolina yield a moment in order that I may ask the gentleman from Indiana [Mr. CULLOP] a question?

Mr. KITCHIN. I am sorry I can not yield. My time is limited.

Mr. BROUSSARD. I will give the gentleman an equal amount of time when I get it.

Mr. KITCHIN. All right; I will yield.

Mr. BROUSSARD. I would like to ask the gentleman from Indiana [Mr. CULLOP] this question: How does the gentleman account for the fact that out of 70 reports only five were ever made against this proposition in this House or in the other branch of the legislative body of this Government, if what he contends for is correct?

Mr. CULLOP. I account for it in this way, that the body in which the report was made did not agree with the committee and turned the report of the committee down.

Mr. BROUSSARD. Is not that true, then, of every war claim that is pending now for which the gentleman from North Carolina [Mr. KITCHIN] is contending? And, further, did not the same court pass upon both classes of claims and on both questions, and rendered judgment upon both of them?

Mr. KITCHIN. I will come to that proposition later.

Mr. BROUSSARD. I will yield my time to the gentleman, so that he may answer.

Mr. KITCHIN. You and the gentleman from Indiana can fight that out among yourselves when I get through.

Mr. BROUSSARD. I will appeal to the gentleman from North Carolina and ask him if that is not the question. Did not the same court pass upon both questions, and can he consistently stand here and assail the judgment of the court in one instance and support its judgment in another instance?

Mr. KITCHIN. The gentleman from Louisiana puts too many questions together at once. I will say to him, however, if he will be patient, I will later on in my remarks discuss the proposition contained in his inquiries.

Mr. BROUSSARD. I will propound them singly, if the gentleman would so prefer.

Mr. KITCHIN. Let us see if these claims are just. Let us see if they are valid claims against the Government.

Mr. BROUSSARD. Let me ask the gentleman right there—

Mr. KITCHIN. I must decline to be interrupted further at this stage by the gentleman, since he has been allotted time to address the committee after I finish.

Mr. HUMPHREYS of Mississippi. May I ask the gentleman a question?

Mr. KITCHIN. Yes. Let it be short.

Mr. HUMPHREYS of Mississippi. The gentleman stated a few minutes ago that there were about \$1,440,000 to be paid to insurance companies.

Mr. KITCHIN. Yes; on the same grounds as the rest.

Mr. HUMPHREYS of Mississippi. My information is that the acts under which the Court of Claims is proceeding in this matter referred both the claims of the insurance companies and the claims of individuals to the Court of Claims, and the court has been passing upon all of them, and has rejected the insurance claims, but has found both the facts and the law in favor of the claimants who are provided for in this bill. Is that correct?

Mr. KITCHIN. No; they did not reject the insurance claims. They found over \$1,440,000 for the insurance companies. To

be accurate, the findings up to date for the companies amount to \$1,458,738.73.

Before the interruptions by so many inquiring gentlemen, I was proceeding to show that the Congress whose Members were fellow citizens and contemporaries of the original claimants, and many of whom participated in the events out of which arose these claims, and therefore knew the facts and circumstances connected with them, immediately after the ratification of the treaty of 1801, the first session thereafter, had presented to its consideration these very claims; and the House in 1803 and the Senate in 1818, after consideration and investigation, decided against their validity and refused to pay any of them. If these had been just and valid obligations on the part of the Government, can we doubt that our forefathers, contemporaries of the original sufferers, would have denied payment? Why did not Jefferson, Madison, Monroe, and other Presidents, who were also contemporaries of the original claimants and who were leading actors in the events of that day and participants in the making of the treaties with France, recommend in some way to Congress the payment of these claims? The fact is that no President from the time the first demand was made until President Arthur's administration, a period of more than 80 years—long after every original sufferer and every witness was dead—ever made a favorable recommendation in any message, although at almost every session since 1802 claimants, with their lawyers and lobbyists, came knocking at the doors of Congress. We can not believe that Jefferson, Madison, Monroe, whose lives were so interwoven with those events and who had personal knowledge of the facts and circumstances connected with these claims, would have remained silent and refused to ask Congress to pay them if they were just. We can not believe that Congress, in those early times and for so many years afterwards, would so often and so long have refused payment if the claims had been just.

Our forefathers, whose courage and patriotism and wisdom founded this Republic and guided its early destiny, we must assume, were equally as scrupulous in maintaining the integrity of the Government they had formed, equally as sensitive of its legal and moral obligations, equally as anxious to acknowledge and pay its honest debts due their unfortunate fellow citizens, who were the actual sufferers of the losses sustained, as are the gentlemen, in and outside of this House, who manifest so much anxiety to pay these millions to the thousands of remote descendants, scattered to the four winds of the earth, and a few insurance companies, lest a failure to pay now at this late day would impeach the national honor. They were, it must be admitted, in a better position to know and ascertain the facts and circumstances of the losses and to judge of the justice and validity of these claims than statesmen in this House who, born a half century after the last of the original claimants and every witness were in their graves, are now repeating the old interested cry of wrong and injustice and clamoring for payment on the ground that these century-aged claims are just and valid.

Mr. MILLER of Kansas. Will the gentleman yield for a question?

Mr. KITCHIN. I will.

Mr. MILLER of Kansas. Is it not also true that three Presidents during the period named have vetoed these very bills?

Mr. KITCHIN. Yes.

Mr. MILLER of Kansas. Presidents Pierce, Polk, and Cleveland.

Mr. KITCHIN. Yes; I was coming to that. In 1846, just before the close of the session, a bill was passed by Congress by a close vote appropriating for the payment of these claims. This was the first bill ever passed in their behalf. President Polk vetoed the act. In discussing the validity of the claims, he said:

I can perceive no legal or equitable grounds upon which this large appropriation can rest.

And that proposed appropriation, thought then to be large enough to cover all claims, was more than a million dollars less than the amount of the findings of the Court of Claims up to date, and they still have more findings to make. Not only have claimants increased with the years, but also the amount of losses. Again, in 1855, near the close of an expiring Congress, a similar appropriation bill was passed. President Pierce vetoed it. No stronger, clearer discussion of the subject has been made than that contained in his veto message. He met and refuted every contention that had before, or has since, been made in behalf of these claims. He declared that he had come to the "undoubting conviction" that there was "no ground on which to raise a liability of the United States." In 1896, near the close of the session, a bill was passed making an appropriation to pay the so-called judgments of the Court of Claims, which

had been reported to Congress to that date. Mr. Cleveland vetoed it. He concluded the discussion of the validity of these claims in his message in these words:

In the light of all the facts and circumstances surrounding these spoliation claims, as they are called, none of them, in my opinion, should be paid.

I shall again refer to Mr. Cleveland's veto message and the action of a Republican House on it. I desire here to call attention to the fact, and shall show it later, that the House never passed in an open contest on the floor any bill for these claims, except in the closing days of a session, and since the first findings of the Court of Claims, 25 years ago, only once has an appropriation passed after a contest and discussion on this floor, and that was in the closing hours—a day before, during an all-night session—of an expiring Congress, and only 10 minutes' discussion given to the subject. But time and time again, in every open contest on the floor, since the court's findings, such bills for the payment have been defeated.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. KITCHIN. I will.

Mr. PARSONS. Will the gentleman explain why we should not respect the findings of fact and conclusions of law of the Court of Claims in these French spoliation claims as much as we should in the case of the southern war claims? I have spent my time in studying the decisions and the statutes, and I can see no reason why we should respect the findings of fact and the conclusions of law in one case and not in the other.

Mr. KITCHIN. I will now answer the gentleman as well as other gentlemen who have made similar inquiries. But, in the first place, let us see how these old claims got into the Court of Claims. For 80 or 90 years they had been hammering at Congress for payment. The original claimants, the actual sufferers of the losses, came, as I have shown before, to Congress immediately after the damages were inflicted, and they were turned down. They came again in 1803 and 1807. Congress again turned them down. Again they popped up in 1818. Again they were defeated. But still they came back in 1822 and 1824, and Congress ignored them. Congress could not get rid of them. It would turn them down and ignore them Congress after Congress for 10, 20, 30 years, for 50, 75 years; but back they would come, and back they did come with introduction of bills in every Congress and almost every session, with the possible exception of one or two, until 1864, and every time were turned down and ignored, except in 1846 and in 1855, when the acts were vetoed by Presidents Polk and Pierce. The claimants, their lobbyists, and lawyers would not be estopped by any act of Congress. It could not get rid of them. They would take no action of Congress as final except payment. As time went on one generation of claimants would die out and another would spring up, many times more numerous and more clamorous, the heirs of the original owners multiplying with each generation. Lobbyists and lawyers would grow in number and in noise. The only rest they ever gave Congress was between 1864 and 1872 and 1872 and 1882. But in 1872 they were here, and Congress again ignored them. In 1882, 1884, and 1885 the claimants, as heirs and next of kin of the old owners, had multiplied into thousands and tens of thousands, "scattered," as the Court of Claims said, "to the four quarters of the globe." Some few were in every Member's district. The two insurance companies, the Insurance Company of the State of Pennsylvania and the Insurance Company of North America, with \$825,000 interest in these old claims, had organized and kept up the fight for over 75 years. Their officers, lawyers, and lobbyists in 1882 reorganized the fight with renewed vigor and determination. They demanded and appealed and begged and lobbied Congress to pay them, but still it refused. For over 80 years they had persistently put their case before the only tribunal with authority to hear and determine, the Congress of the United States, and this tribunal as consistently and persistently refused a favorable decision. They got a new idea. They wanted to try a new tribunal, so they begged and appealed and lobbied to be sent to the Court of Claims, until finally Congress, in the closing days of an expiring term, on January 20, 1885, wearied almost to death by the continual lobbying and the appeals, all inspired by these two big insurance companies, from the thousand of remote heirs of the original sufferers—the Members being punched as they were from home by their remotely interested constituents and pulled in Washington by the numerous and persistent lobbyists—passed the act sending these old, stale, repudiated claims to the Court of Claims. Members voted for this to get rid of the army of lawyers and lobbyists and the thousands of supposed individual claimants, increasing in number with the years, and the insurance companies that were eternally harrassing the life of the Members.

Mr. PARSONS. Will the gentleman yield?

Mr. KITCHIN. I will yield to the gentleman from New York for a question.

Mr. PARSONS. I want to ask the gentleman a question. The gentleman says that Congress just before it adjourned passed this act giving the Court of Claims jurisdiction of the French spoliation claims. It was not just before it adjourned; it was on January 20, six weeks before it adjourned.

Mr. KITCHIN. I said it was on January 20, 1885, which was near the close.

The only argument advocates in this House of the payment of these claims make is that they went to the Court of Claims, and that the Court of Claims gave judgment in favor of them, binding the Government to their payment, which judgments, they say, should be respected, and that some of them have been paid. But for the action of this court there would not be a single argument upon the facts and upon the history of these claims to appeal to the conscience and judgment of any man in this House. But they cry in our faces, "The judgment of the court should be respected." I deny emphatically that the decision, or findings, or action, or whatever you may call it, of this court is a judgment of a court. It is not a judgment such as in any way is binding as a legal or equitable or moral obligation on the part of the Government. The court did not and could not, under the act of 1885 committing these claims to it, render or undertake to render a judgment like ordinary judgments—adjudicating the rights of the parties, making it a fixed finality between the claimants and the Government as to the rights of either. Gentlemen in this Congress and in other Congresses have been misled by the false cry that the Court of Claims had settled the controversy between the claimants and the Government by rendering a final judgment against the Government. Gentlemen who shout "judgment of the court" to us certainly must be ignorant of the very act which sent them to the court. Congress in that act purposely refused to vest this court with judicial powers in the premises. It refused to permit its action or findings to be judgments of the court, and to be a final judicial adjudication of the rights of the parties, or to fix finally the relations between the claimants and the Government. Congress knew that to give it the power to render a judgment, fixing as a finality the supposed rights of the parties and the Government by which it might impose upon the Government a legal or moral obligation to pay millions of dollars for damages sustained on the high seas over 90 years before, when much of the evidence in the lapse of those long years must have been lost, when every original claimant or sufferer and every witness to the events of those times had been in his grave for a half century, would be a mockery and an outrage. It therefore safeguarded in every way by the act itself the Government from being bound by such findings. The act expressly declares—

Such findings and report of the court shall be taken as merely advisory to the law and facts found.

It further declared that—

the action and the findings of the court shall not conclude either the claimants or Congress.

Yet, not satisfied with these provisions, which clearly seem to be sufficiently protecting, Congress, as a further caution, concluded the act with this clear and emphatic provision:

And nothing in this act shall be construed as committing the United States to the payment of any such claims.

The act is itself an express notice by Congress, both to the court and to the claimants and to all future Congresses, that the court's action or finding shall in no way be construed as a judgment of the court, and can not constitute in any way either a legal, equitable, or moral obligation on the part of the Government to pay any of these claims. The court itself realized that it had no such power, and that no such jurisdiction was conferred upon it by the act. In the Gray case, it being the first and the alleged test case, the court declared that its—

conclusions are to be taken, both as to law and facts, as advisory, and not conclusive upon either party, the claimants or the Government.

So peculiar a jurisdiction, says the court—

was possibly never before conferred upon a strictly judicial tribunal.

Gentlemen who advocate these claims often speak of this act and often quote from it, but they always fail to call attention to the provisions which I have cited. The report, from which the distinguished chairman of the Committee on Claims [Mr. PRINCE] has read to this House many abstracts, is misleading. I do not say intentionally so, but it misleads this House in respect to the jurisdiction of the court over these claims. It quotes a part of the act but omits those provisions to which I have called the attention of the House. I do not know who prepared this report, but I do not believe there is a man on our committee who is smart enough to prepare a report as big and as good as this is to sustain claims as bad as these are.



Mr. PRINCE. Will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. PRINCE. Does the gentleman recall that we had public hearings and there were presented to the committee facts upon which a report like this could be made?

Mr. KITCHIN. Yes; I remember some hearings.

Mr. PRINCE. Does the gentleman remember that here is a list of every report that Congress has made and the action taken upon it, which is a matter of record in the report in the department?

Mr. KITCHIN. The reports on these claims have been gotten up by slow degrees through the last 100 years, a little added to it every 10 or 15 years, and finally this report, or most of it at least, was put together by the president of an insurance company that wants to get its fingers into the Federal Treasury, by virtue of these proceedings, to the tune of several hundred thousand dollars.

Mr. PRINCE. Not one dollar of which is carried in the bill.

Mr. KITCHIN. I know that; but if these claims pass they will come here and say, "You have passed these claims after a vigorous fight, on the judgments of the Court of Claims, and you have paid all now except ours, and it is right that you should pay us." The chairman of our committee, following the report of the subcommittee and so directed by the subcommittee, was ready before the Committee on Claims to offer an amendment, putting in the \$1,458,738.75 alleged to be due these insurance companies and included in these so-called judgments for underwriting the risks on the vessels and cargoes 115 years ago.

Mr. PRINCE. And let me say that the chairman of the committee has no such intention of offering any such amendment as the gentleman has stated. It never has been in his mind, is not in his mind now, and he will never offer such an amendment.

Mr. KITCHIN. No; not now on the floor; but it was offered in our committee on the favorable report of the subcommittee, and this report, which I hold in my hands and from which the gentleman has been quoting, shows that the insurance companies' claims were to go in as an amendment.

Mr. SWASEY. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. SWASEY. I desire to know—and the gentleman seems to impeach the findings of the court—

Mr. KITCHIN. Oh, just ask the question.

Mr. SWASEY. Does the gentleman intend to impeach the findings of the court in the spoliation claims and then desire us to believe the findings in the other claims?

Mr. KITCHIN. I will come to this so-called impeachment of the court suggestion presently.

Mr. SWASEY. One question more.

Mr. KITCHIN. Oh, no; I can not yield. If I have time I am going to answer all of your questions.

Mr. SWASEY. I will not ask anything very long.

Mr. KITCHIN. If I have plenty of time I will answer the question. You know my time is limited by agreement.

Mr. BROUSSARD. Will the gentleman permit a question?

Mr. KITCHIN. Just one minute. When I get through, if I have any time, then the gentlemen can ask me all the questions they want and I will gladly answer.

The CHAIRMAN. The gentleman declines to yield.

Mr. KITCHIN. Now, the splendid chairman of our committee I do not believe has as good a memory as I have, and as the other members of that committee have, because I remember he distinctly said to our committee, "Gentlemen, if these bills should be paid, here are some amendments for the payment of the findings of the court for the insurance companies which I am directed by the subcommittee to offer," and that was discussed without taking action. Finally, one day the insurance companies themselves came and said, "Well, do not put ours in now. It will make the bill too big. We will come in later." This is my recollection of what took place. This was not in executive session, either, and my recollection is corroborated by this would-be report, already prepared and printed and ready to be presented to the House if the committee had not adversed these claims.

I have attempted to show to the House that, by the very act committing these claims to the Court of Claims, the action or findings of the court were not intended to have any binding force, either in law, equity, or morals, on the Government; that its findings both as to law and facts were simply advisory. In this connection I desire to call attention to the fact that, though the act requires the court to give its "conclusions of fact and law as may affect the liability of the United States," the right and power in the Government to appeal to the Supreme Court was denied it. None of these cases have ever been presented to the

Supreme Court, and no opportunity has ever been given our highest tribunal to review the findings of law by the Court of Claims. Certainly the Government, to be bound by any findings of law, should be given the right and opportunity to appeal to the Supreme Court for its decision upon it.

Mr. PARSONS. Will the gentleman yield?

Mr. KITCHIN. For a short question.

Mr. PARSONS. Is not the finding of fact—and it is merely a finding of fact—under the Tucker Act, under which these southern war claims are reported, merely advisory, also?

Mr. KITCHIN. Most of these war claims were sent to the court under the Bowman Act.

Mr. PARSONS. I beg to call the gentleman's attention to the Tucker Act and to ask the gentleman if he can find in section 14 of the act anything that shows that Congress should pay the findings of the court?

Mr. KITCHIN. No. If the gentleman will be a little patient I will come to the southern war claims and the findings of the court as to them presently.

Mr. Chairman, in the face of the fact that Congress expressly by the act itself declared that the court's action or conclusions as to the law and facts found should be merely advisory; that its findings should not conclude either the claimants or Congress; in face of the fact that the act specifically provided that it should in no way be construed as committing the Government to the payment of any such claims, advocates of these repudiated claims ask if we are going to "impeach the court by refusing to pay." If a refusal to pay is an impeachment of the court, then, sir, both Republican and Democratic Houses have time and time again impeached this court, because time and time again since the findings of the court and its reports to Congress, this House, sometimes Republican and sometimes Democratic, has voted down an appropriation for the payment of these so-called judgments on the ground that they are not obligations of the Government and ought not to be paid.

Every time any of the French spoliation claims, even after the findings of the Court of Claims, went before this House in a fair and open contest they were overwhelmingly defeated. In 1888, less than two years after the report of the court in the first cases before it, an effort was made to secure an appropriation to pay these so-called judgments, the members of the Appropriations Committee made an adverse report against them.

Again, in 1889, they had been included in the deficiency bill in the Senate and the House conferees forced the conference committee to drop them. Again, in 1890, after the Senate had put them in the deficiency bill, an open fight in the House was made in their favor and a large majority of the House refused to concur in the Senate's action. But in 1891 the friends of these repudiated claims, knowing their former fate in an open fight in the House, after the Senate had again included them in the deficiency bill, managed to slip it through the House without dissent, and, perhaps, without the knowledge of anyone except its friends, in the last hours of an all-night session, on March 3, 1891, at the very close of an expiring Congress.

But in 1892, the Senate having again tacked an appropriation on the deficiency bill, and it being discovered by Members of the House, an open fight again was made, and again the appropriation was overwhelmingly defeated. In 1893 another appropriation was asked for, and after similar action in the Senate by including them in the deficiency bill, another fight was made and the advocates of these same old repudiated claims met another crushing defeat in their efforts to pay these so-called judgments. And they were defeated again in 1895. So, if the refusal to pay the so-called "judgments" was an impeachment of the court, the court was impeached in 1888 by the Appropriations Committee and in 1889 by the conference committee. It was again impeached by the House of Representatives in 1890 and again in 1891 and again in 1892 and again in 1893 and again in 1895. And still they cry, "Do not impeach the court!" The House in each of these years, whether Democratic or Republican, knew, and so recorded itself, that these findings of the court were not binding upon Congress and were not judgments of the court, were not final adjudication of the rights of the parties, imposing any obligation on the Government to pay. But in 1896 an appropriation to pay the claims included in the findings of the court, after having been put on the deficiency bill in the Senate, did pass, by a record vote, the House. It went to President Cleveland for his approval. Mr. Cleveland vetoed it, and in a clear, strong message conclusively showed that these claims should be rejected, declaring that they were not valid claims against the Government. But now, after the veto, what took place? The bill had carried in the House by a good majority, yet after Cleveland sent that veto message to the House with unanswerable arguments against the justice and validity

of these claims, their friends could not muster but 39 votes in its favor, while 171 were recorded against it. Cleveland had convinced nearly every Member of the House of the absolute groundlessness of these claims.

Did Mr. Cleveland by his veto impeach the court, and was the House, largely Republican, in standing by the President after learning the nature and the history of these claims, also impeaching the court? But they tell us that some of these claims, backed by the findings of the court, have been paid. Gentlemen, since December, 1886, when the court, under the act of 1885, first begun to grind out its favorable findings for claimants upon such evidence as could be gathered after the lapse of more than 90 years only one appropriation for their payment has been passed by the House in open contest with full opportunity for discussion, and that was in 1896, and then, as I have shown, the President vetoed it, and after the veto, by an almost unanimous vote, the House stood with the President and against payment. Now, after this veto by President Cleveland and the emphatic stamp of disapproval placed on these old repudiated claims, even after the favorable findings of the court by the House, their friends and advocates never afterwards dared to make an open fight before the House, but quietly secured the Senate to put them in some omnibus bill, or some appropriation bill, and afterwards sneaked them through conference or the House with the "silent tread of a cat." There is hardly a man on this floor who remembers how and when the three or four million dollars which have heretofore been appropriated got through this House. I asked this afternoon, during the speech of the gentleman from Illinois [Mr. PRINCE], if any man could remember how and when these appropriations were made. I believe my friend, Mr. MANN, was the only one who had any recollection of them. He remembered one in 1899, and he voted against it.

Mr. BROUSSARD. So do I.

Mr. KITCHIN. That is true. But how did this appropriation get through in 1899? In the early morning of March 3, after an all night's session, in the rush and turmoil of the hours of another expiring Congress, another deficiency bill conference report, with an appropriation for their payment tacked on in the Senate, was brought in by the conferees, and without opportunity for Members to investigate and with only about 10 minutes given to the discussion of these claims, it was put through by a yea-and-nay vote. It was hooked onto other appropriations in the bill, and thus lumped together the conference report went through, but not without a recorded protest of 80 Members. But this report, from which my friend from Illinois [Mr. PRINCE] has often quoted to-night, declares, on page 9—

Since 1896, the date of the last report on the same from this committee, the subject has not been before it for consideration until the present Congress. The reason of this has been that these claims, since that date, have been included as Senate amendments to the omnibus claims bill, etc.

On page 21, I read from the same report:

During the last 14 years there has been no debate or dissent in the acceptance of the Senate amendments for these claims.

How softly and quietly have they been slipped in from time to time when opportunity presented itself to their friends and advocates!

Mr. PRINCE. Will the gentleman look—

Mr. KITCHIN. The gentleman is going to have an hour for another speech. Look where?

Mr. PRINCE. On page 89, and see what it says there.

Mr. KITCHIN. How do you know it is right or not? You never read this, I believe.

Mr. PRINCE. I have read every word of it.

Mr. KITCHIN. He is telling me to look in what? In the brief of Mr. Scattergood, the president of this Philadelphia insurance company, and that company alone has over \$300,000 of the claims findings by the court, and a cooperating insurance company has over \$500,000.

Mr. SHACKLEFORD. I will say to the gentleman from North Carolina that he is sitting in the gallery, and has been sitting there for the past week.

Mr. KITCHIN. He ought to sit there. He is interested, and ought to stay there and see that the House looks after his company's interest. But we ought to stay here and see that the House looks after the people's interests.

Mr. BROUSSARD. Does the gentleman from North Carolina object to paying an honest creditor, even though he has means?

Mr. KITCHIN. No; but I have shown the gentleman and the House that precedent actions of this House for over 100 years are against the validity and justice of these claims. I have shown that Congress after Congress for 113 years have

repudiated them, both before and after these so-called judgments of the court; that President after President—contemporaries of the original claimants—ignored them; that two Presidents vetoed them before the act of 1885 and one vetoed them after the act. If the present claimants thought these bills were just and honest and the House would sustain them, why did they not, after the veto of 1896, come into this House and openly make the fight, as they were forced to do in the six sessions before, where they got licked every time? Not one of the measures including these claims went, as it ought, to any Committee on Claims in the House. They were always put on by the Senate to some bill and sent to conference. What does this report show from which the gentleman from Illinois [Mr. PRINCE] reads? It shows "the conferees examined into them." Yes; they were examined by the conferees—not by a committee of the House, not by the House. Then the report of the conferees came in with millions of other appropriations in it. Nobody knew about these claims. Nobody had time to make investigation. They were the judgments of the court, their friends explained. So the appropriation passed under the impression of the Members that they were court judgments, which bound the Government to payment. Gentlemen, you have asked me about the court's findings in respect to these war claims.

Mr. PARSONS. I ask you now—

Mr. KITCHIN. Every single one of these war claims—

Mr. PARSONS. Is it a judgment, or merely a finding of facts?

Mr. KITCHIN. The acts under which every one of these war claims went to the Court of Claims were general acts, known as the Bowman and Tucker Acts. Most of them went there under the Bowman Act. The House or a committee of the House under the Bowman Act can send any claims of any kind to the Court of Claims for the findings of fact, to be reported either to the House or the committee. There are no restricting, qualifying provisions giving notice to the claimants and the court that the Government should in no way be committed to payment under the findings.

Mr. PARSONS. Will the gentleman tell me whether they were judgments or not?

Mr. KITCHIN. They are not judgments, but findings of facts merely; and such findings are reported to Congress for its action, to be modified, reversed, approved, or ignored or repudiated, as it may see fit.

Mr. PARSONS. Were they findings of fact or conclusions of law?

Mr. KITCHIN. Findings of fact only. No question of law was involved. No disputed point of law has ever arisen in these cases. If so, the Government and the claimants should have been given the right of appeal to the Supreme Court. Congress or the House did not wait 90 or 100 years, a half of a century after every original owner, every eyewitness to the facts and circumstances connected with the claims, had been dead, before sending them to the court for findings of fact. If so, I would be opposed to them, even on the findings of the court. But they were sent to the court for findings within 20 or 25 years after the property was taken, or the liability of the Government was incurred, while the original owners and all eyewitnesses were living. Eyewitnesses, as well as the owners, were examined. The officers of the Union Armies who took and received the property were examined. In many cases the original vouchers given at the time by the officers were produced. No one, so far as I know, has ever denied the original liability of the Government to pay these claims. No one disputes the facts upon which they are based. No one challenges the correctness of the court's findings. No one, even on this floor, now denies the justice of them; and yet gentlemen affect to see no difference between such claims and findings of fact by the court with respect to them and the century-old and century-condemned spoliation claims and the findings of the court with respect to them 50 years after all the original owners and all the witnesses were dead.

Mr. PARSONS. Does the gentleman undertake to say that the jurisdiction of the court as to these claims under the Tucker and Bowman Acts is other than advisory?

Mr. MANN. As to these war claims findings, is it not a fact that the committee of Congress has always considered that the mere finding of the court was not obligatory, and is it not a fact that the committee has always rejected more or less of the findings and endeavored to pass upon the merits, based upon the findings of the facts?

Mr. KITCHIN. Yes; that is right. The findings are not judgments of the court, as I have explained, binding upon the Government to pay, but are simply findings of fact to be reported to Congress or the committee which sent them to the



court, and it is with the committee or Congress to pass upon the merits of the claims. I wish to call attention to another provision in the act of 1885. It authorized the court to take "suitable testimony," "historic" and "documentary" evidence; that is, any kind of writing, whether contemporary or not.

Mr. MILLER of Kansas. Any old thing.

Mr. KITCHIN. Yes; any old thing.

Mr. HUGHES of New Jersey. And in a hundred years they may accept Scattergood's report.

Mr. KITCHIN. Yes; as my friend from New Jersey [Mr. HUGHES] remarks, 100 years hence they will take Scattergood's report as evidence of the justice of the claims. [Laughter.]

Mr. BARTLETT of Georgia. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from North Carolina [Mr. KITCHIN] yield to the gentleman from Georgia?

Mr. KITCHIN. Yes.

Mr. BARTLETT of Georgia. It is a fact, is it not, in regard to these war claims that the Government sends its own attorney and examiner out into the field and examines the witnesses as to the facts and that those facts are the basis of the findings of the court?

Mr. KITCHIN. Yes; the gentleman is correct.

They say that the Government in the last few years has established the policy of paying these claims. But I remind the House it also for a hundred years established the policy of not paying them. It established the policy of not paying them, even after the court's finding, by five affirmative, positive denials of their justice and refusals to pay. The policy to pay has been quiet, smooth, smart, doubtful. The policy not to pay has been open, bold, persistent, consistent.

Mr. Chairman, even if I should concede, which I do not, that these spoliation claims were originally just and valid, then it would be exceedingly doubtful whether it would be our duty at this late day to pay them. If any wrong and injustice has been done to any or by any, it was done to the original sufferers and their children by our forefathers a century ago. Even if originally they were just and valid, which I positively deny, it would be a bad and dangerous policy for us now to pay them. I can go back now and hunt through 100 years of our history and almost bankrupt the Government with claims which, according to evidence we can gather now, would perhaps have some moral or equitable basis if no time limitation is put upon them. If I had time I could this moment possibly recount \$200,000,000 of claims not over 75 years old that, from what we can learn in this day and time, would seem to have some basis for their validity. But if just and equitable they were obligations for other generations to meet and not for this. Gentlemen, suppose that these claims are just, to whom would the payment go now? You would have to take a microscope to find in the veins of any of these thousands of clamorous claimants a drop of blood of the original owners.

The money would go to Tom, Dick, and Harry, a great-great-great, and so forth, grandchild, a great-great-great, and so forth, grandnephew, or a tenth, twentieth, or twenty-seventh cousin. The Court of Claims in the Gray case, the first and leading case on these claims, replying to the contention that the act required it to find the next of kin to whom the money should be paid, declared that it was a "physical impossibility" for it to ascertain who as heirs and next of kin were present owners of the claims, and "the rights of thousands of descendants and devisees of the original claimants who are now scattered in all human probability to the four quarters of the globe." It was in 1886 when the court spoke thus of the thousands of remote descendants, and now 25 years later these thousands have multiplied into many more thousands of more remote heirs and next of kin. It would be an outrage upon the Treasury and a reckless throwing away of the people's money to now appropriate millions of dollars to pay these scattered thousands and tens of thousands of remote heirs and next of kin, when it is admitted by all, even admitted by the Court of Claims itself, that the validity and justice of these claims have been in doubt and controversy from the very beginning for more than a hundred years.

But, Mr. Chairman, after a most thorough and exhaustive examination and investigation of the whole subject of these French spoliation claims, I have, in the language of President Pierce, come to the "undoubting conviction" that they never had the basis for either a legal, equitable, or moral obligation on the part of the Government. Gentlemen, it is not these thousands of remote descendants that are keeping up the fight and the lobbying year after year and decade after decade, but it is the insurance companies who are doing it in order to get Congress to transfer \$1,458,000 out of the Treasury into their pockets.

Mr. DICKSON of Mississippi. How much do the lobbyists get?

Mr. KITCHIN. I suppose the lawyers and lobbyists get from 33½ to 50 per cent of each original claim.

Mr. MANN. I was just going to ask how much the agents would get.

Mr. KITCHIN. The claimants, gentlemen, in your district or mine who are being inspired by these insurance companies to punch us from home into favoring these claims will get precious little out of any appropriation we can make. The lawyers and lobbying agents will receive ten times more than any individual claimant. They get from 33½ to 50 per cent of the whole of the original claim, while the remaining is subdivided into tens and hundreds of the next of kin of the original claimant.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. I ask for just two minutes more.

Mr. PRINCE. I would be glad to yield the time, but I can not do so. I have more demands for time than I possibly can accede to.

Mr. COX of Indiana. I ask unanimous consent that the gentleman have two minutes.

Mr. MANN. That is not in order.

Mr. PRINCE. I will yield to the gentleman from Louisiana [Mr. BROUSSARD], and if he wishes to yield a minute to the gentleman from North Carolina he can do so.

Mr. BROUSSARD. I will give the gentleman a minute. He declined to answer some of my questions, but I will give him a minute.

Mr. KITCHIN. Mr. Chairman, if I believed that these claims were just in the beginning, as I said, I would then hesitate a long time before at this late day I would vote \$2,500,000 of the people's money out of the Treasury to pay these remote heirs and the insurance companies. I fear there is a plan on foot here, not by my friend from Illinois [Mr. MANN] in his filibuster—

Mr. MANN. I am not filibustering.

Mr. KITCHIN. There is a plan on foot, if these spoliation claims are defeated here and the war claims are passed, to have the Senate tack them on again to the war claims, and to bring back both the war claims and spoliation claims in one bill, so that in the last days of this Congress it is hoped that enough of our southern Democrats, whose constituents have claims in the war-claims bill, will join with the advocates of the French spoliation claims and pass both through this House. I want to say that as much as I believe in the justice of these war claims, when the French spoliation claims are yoked together with them in one bill I am going to vote against all of them, for neither my conscience nor my people will sustain me in voting millions for these unjust, condemned, and repudiated claims in any bill. [Loud applause.]

The CHAIRMAN. The gentleman from Louisiana [Mr. BROUSSARD] is recognized.

Mr. BROUSSARD. Mr. Chairman, I cheerfully yielded a minute of my time to the gentleman from North Carolina [Mr. KITCHIN], because I recognize in him my leader in the next Congress, and I made a statement to him that I want to carry out. That was that if he answered my questions I would yield some of my time to him.

I am surprised at the attitude of the gentleman who makes the statement he does in reference to these claims. I want to say now that I have not one of these claimants in my district, nor do I know one of them, even excluding the gentleman so well known by the gentleman from Missouri [Mr. SHACKLEFORD], and identified by the gentleman from North Carolina [Mr. KITCHIN], as sitting in the gallery here.

There is not a single cent of all of this appropriation that will go into my district, or even into my State, so far as I know, and so far as I am concerned it will have no effect upon me; but a proposition which requires that the judgment of the same court shall be paid to one section of our country and be denied to another section of it, is so obnoxious to my sense of justice, fairness, and honesty that I resent the assertions being made upon this floor that some gentlemen, or possibly some corporation that may have a just claim, shall be deprived of it because forsooth it may have some means beyond the claim which is pending in this bill. That proposition seems to me so unjust that I can not refrain from taking the position I do take upon this question.

In all fairness, my friend from North Carolina should have said to the committee in addressing it at length that starting with Thomas Jefferson, including that great galaxy of statesmen that have written their fame on the pages of the history of our country, have indorsed this proposition as an honorable claim, and that they should be paid. I for one stand here to try in so far as I can to have them paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROUSSARD. I understood, Mr. Chairman, that I had five minutes, and I only yielded one minute.

The CHAIRMAN. The gentleman is recognized for one minute more.

Mr. BROUSSARD. I can not in one minute explain the position of this entire proposition, but there is no one on this floor that has a better right to speak for the French spoliation claims than I myself. I belong to that race of people who loaned their money, their war vessels, and their individuals in the defense of this country and in establishing this Republic. [Applause.] This is an honest judgment, and as an honest judgment I stand here as a defendant of that race, appealing for equal justice to all claimants, and they are all Americans and are as much entitled to be paid, whether they live in New England or any other portion of the country, as those who live in the South and are claimants for the war claims. One is entitled to consideration as much as the other. As I stand here to-day, I am simply pleading for justice and for the honesty of the American Republic in settling all of its claims in behalf of all of its claimants, especially when all of them are American citizens. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. SWASEY].

Mr. SWASEY. Mr. Chairman, I, too, am surprised that any gentleman on the floor of this House will attempt to impeach the judgment of the Court of Claims in the one case and attempt to uphold it in the other. The gentleman has said that there was no reason assigned for the veto of these claims by any of the prior Presidents. I find in the report this language used by President Polk:

In interposing my objection to its becoming a law, I am truly sensible that it should be an extreme case which would make it the duty of the Executive to withhold his approval of any bill by Congress upon the ground of its inexpediency alone. Such a case I consider this to be.

Now, Mr. Chairman, I do not understand that the Court of Claims in either instance have entered a judgment, but I did find the language used by the court with reference to these spoliation claims to state that their conclusions are conclusions of law. In the case of the war claims they only find conclusions of fact.

Now, if we are to turn down and disregard the findings of the Court of Claims not only upon questions of fact but conclusions of law, what shall we do with the war claims where they find only conclusions of fact?

Something has been said about the age of these claims. The one may be 100 years old and the other 50 years old, but they were referred to the same court to find that which Congress needed. Congress needed the facts in the one case and they have got the facts and the law, and they have only conclusions of fact in the other case.

If the law was plain, if the law was clear to the Court of Claims, why did they not give us the conclusions of law with reference to the later claims, and why did they make that discrimination, that distinction? I am constrained to take this position: I believe it is the duty of this great Government to pay every dollar of its honest indebtedness and to pay it promptly, giving to each creditor his honest due. Our Government should be all honor. It can not afford to be otherwise. If it is just to pay the war claims upon findings of fact alone, what can you say should be done with the spoliation claims, that are based upon the findings of the same court upon questions of fact and law too? I am either for the payment of the whole or I am for the payment of none. There is where I stand. If we are to disregard and impeach the finding of the court, it applies to one just as well as to the other, and I am opposed to the payment of any or I am in favor of the honest payment of all. [Applause.]

Mr. PRINCE. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. PRINCE. I will not use it all. Mr. Chairman, Congress passed an act in 1885 authorizing the Court of Claims to pass upon the French spoliation claims. It provided that the Government should be protected by officers of the law. It provided that such findings and reports of the court shall be taken to be merely advisory as to the law and facts found and shall not conclude either the claimant or Congress. I have at no time held that they were in the nature of a judgment. I have at no time held that the findings in war claims were in the nature of a judgment. The same court, made up of the same judges, sitting on the same bench, in the same building, hearing the same kind of cases, renders the same kind of opinion of facts in one class of claims at one moment, of French spoliation claims in the other, and you are in favor of adhering to the finding of the court when it says war claims, and you deny

the findings of the same court one hour later when it renders a finding of facts in the other.

Mr. RANDALL of Texas. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. RANDALL of Texas. I desire to know, because I wish to do what is right about the matter, why there is any necessity for combining the two different sets of claims. Why would it not be better, fairer, and juster to consider them separately according to their own merits?

Mr. PRINCE. In answer to the gentleman I would say this: We did not tack them on. The Senate sent us the bill. It is for our action. I have not tacked them on. The bill has come to this committee. The committee has reported it to the House. It is for the House, through the Committee of the Whole, to determine what it wants to do with it.

Mr. RANDALL of Texas. Would it not be better for us to reject these claims tacked on by the Senate and let them come up in the regular order on their own merits, and not submit to their tacking on things that we have not considered?

Mr. PRINCE. In answer to the gentleman I would say this: The Senate of the United States has but one Committee on Claims, which has jurisdiction of all private claims. The House has four—the Committees on Private Claims, Private Land Claims, Indian Affairs, and War Claims. Where one has jurisdiction of all kinds of claims, can we determine what it shall do or shall not do? They have seen fit, having jurisdiction over all kinds of claims, to combine it in one bill, and it is given to the House in that capacity.

Mr. BARTLETT of Georgia. This is a Senate bill.

Mr. PRINCE. Yes; it originated in another body, where they have but one Committee on Claims, taking jurisdiction of all kinds of claims. It has come as a Senate bill to this body. It is not the action of this body to combine it, but it for this body to determine what it wants to do with it.

Mr. RANDALL of Texas. Does not the gentleman believe that ordinarily and in this case it would be better to consider these matters in separate bills?

Mr. PRINCE. That is not for us to determine.

Mr. MANN. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. MANN. We have now the Senate bill before us, including the French spoliation claims, and as to them the gentleman's committee has made a recommendation that they be stricken out.

Mr. PRINCE. Yes.

Mr. MANN. We have on the calendar, reported from the Committee on War Claims, a war-claims bill (H. R. 32767), which it is proposed to offer as an amendment to this bill. Will the gentleman accept this proposition: That the committee set aside every other proceeding on the Senate bill and pass the House war-claims bill, and the Senate can pass that?

Mr. PRINCE. I answer my colleague in this way: I have no authority to say that, but if it is the will of the House I am content to abide by the will of the House.

Mr. TAYLOR of Colorado. Why can we not come to some kind of an understanding of that kind?

Mr. MANN. I am willing to vote for the House war-claims bill.

Mr. PRINCE. My colleague on the committee is arguing to the House with reference to claims that are not pending in this body. It is done here on the plan of men practicing law that we call in the West "cuttle fishing." The cuttle fish is a fish that swims around other fish and issues from his body an inky substance to becloud the water so the other fish can not see what is going on. That is what is called a cuttle-fish argument. The question here is whether we will pass this bill, not whether we will take up some other that is not before the committee and will not be before the committee in any form or shape. There are three propositions before this committee—war claims, French spoliation claims, that have nothing to do with the insurance companies whatever, and they are not before this committee in any shape, form, or manner, nor will they be before this committee, and the other is the overtime navy-yard claims. Those are the three questions. If the committee desires to separate them and pass only war claims, well and good, but if you do it, it is my judgment, as I have said before, we have wasted all of this time and not one single, solitary bill will pass or ever become a law as a result of such division.

Mr. KOPP. Is it the gentleman's judgment, then, this bill can not become a law unless it becomes a law with the French spoliation claims as a part of it?

Mr. PRINCE. That is my judgment.

Mr. STAFFORD. Who makes that kind of a statement to give the gentleman a basis to make that assertion?



Mr. PRINCE. I say this, if this bill passes with only the war claims and it goes to the other body, they will add the French spoliation claims; and if I am on the conference committee I want to say to you fairly I will never concede until I come back to this House and the House ratifies the action. [Applause.] Now, if you are against the French spoliation claims, I will hold you against them to the end of the session. I will tell you that frankly, because your action upon this bill will guide my course and I will do what you direct me to do, but do not find fault with me if your bill fails.

A MEMBER. We will not.

Mr. PRINCE. Well, I am done. I have told you the facts, and I have had some experience in this body, and I want to say to you—

Mr. MANN. So have I, and I do not think that kind of a statement binds anybody after they get into conference. [Laughter.]

Mr. PRINCE. Well, I want to say to my colleague—

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PRINCE. I want to say to my colleague you sent me over there on the overtime letter carriers' bill, and I never flinched.

Mr. MANN. I have every confidence in my colleague.

Mr. PRINCE. I did what you told me on three other conferences, and I came back with the goods. You sent me out, and I got them.

Mr. MANN. You would on this bill if they would let you.

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants named in this act the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:*

Mr. LAW. Mr. Chairman, I offer the following amendment as a substitute to the paragraph just read.

The CHAIRMAN. The gentleman from New York offers a substitute, which the Clerk will report.

Mr. LAW. Mr. Chairman, I wish to give notice at this time that if the substitute is adopted I shall move to strike out the paragraphs as they are read down to and including line 9 on page 47.

Mr. NORRIS. Mr. Chairman, I understand it is a bill which the gentleman is offering as a substitute. Will he kindly give us the number so that we can follow it?

Mr. LAW. It is House bill 32767.

Mr. HEFLIN. Is that the House bill on war claims?

Mr. LAW. Yes; or, rather, it is the first 100 pages of that bill.

Mr. SWASEY. What do you strike out?

Mr. LAW. Down to spoliation claims.

Mr. MARTIN of South Dakota. Does the gentleman offer the entire bill as a substitute for the first item in the bill?

Mr. LAW. As a substitute for the first paragraph of the bill.

Mr. MARTIN of South Dakota. The paragraph has not been read under the five-minute rule, has it?

Mr. LAW. It has been read.

The CHAIRMAN. The paragraph has been read.

Mr. KENDALL. Is it the holding of the Chair that paragraph 1 ends at the top of page 2?

Mr. LAW. At the end of line 9 on the first page.

The CHAIRMAN. At the end of line 9.

Mr. KENDALL. Mr. Chairman, a further inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENDALL. Under the rule is it not necessary that the bill be read by sections?

The CHAIRMAN. The Chair will state, in answer to the parliamentary inquiry, that the only provision in the rules of the House touching the subject is found in clause 6 of Rule XXIII, which recognizes the right of the committee to read a bill by paragraphs.

The Chair is aware of the statement in the Manual that general appropriation bills and revenue bills shall be read by paragraphs and other bills by sections. The Chair does not find any precedents which distinctly sustain that proposition. The Manual refers to two rulings in Hinds' Precedents, but the Chair found, upon examination, that the first ruling, which was made by the gentleman from Pennsylvania [Mr. OLMSTED], was made when a general appropriation bill was under consideration. The second ruling, which was made by Mr. BURNOWS, of Michigan, was when a revenue bill was under consideration, and those rulings go no further than to hold that those particular bills should be read by clauses or paragraphs. This is a bill of 183 pages, with only 4 sections. The first section

includes 183 pages, divided into hundreds of paragraphs. This is not a general appropriation bill, but it is an appropriation bill, and it is arranged principally by paragraphs and not by sections. The Chair thinks that when a bill is mainly arranged by paragraphs, each paragraph dealing with a distinct and independent proposition, it ought to be read by paragraphs, and the Chair holds that this bill should be read by paragraphs.

The gentleman from New York [Mr. LAW] now offers an amendment to the paragraph which has just been read, in the nature of a substitute, covering not merely that paragraph, but many succeeding paragraphs, down to line 9 on page 47.

Mr. LAW. Down to and including line 9, on page 47.

The CHAIRMAN. With a notice on the part of the gentleman from New York [Mr. LAW] that if this substitute is agreed to he will move to strike out the paragraphs down to that point as they are read.

The Clerk will report the substitute.

Mr. CULLOP. A parliamentary inquiry, Mr. Chairman.

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] will state his parliamentary inquiry.

Mr. CULLOP. Would it be in order as the amendment is read by sections to offer amendments to the reading now?

The CHAIRMAN. The substitute being an amendment, it must be read as a single proposition. When it has been read it is then in order to move amendments to any part of the substitute.

Mr. CULLOP. Before it is voted upon?

The CHAIRMAN. Before it is voted upon.

Mr. CULLOP. And at the conclusion of the first reading of it?

The CHAIRMAN. At the conclusion of the reading.

Mr. MANN. Mr. Chairman, I was going to reserve a point of order so as to put gentlemen on notice. Of course, the amendment has not been read. I reserve the point of order.

The CHAIRMAN. The Clerk will report the substitute.

Mr. SIMS. Mr. Chairman, this whole substitute has to be read now?

The CHAIRMAN. It has to be read.

Mr. SIMS. If the gentleman has a real point of order that will take it out, it looks like a great deal of time might be saved by having it raised now and having it disposed of.

Mr. MANN. I have done everything I could to save time.

Mr. SIMS. I mean if it is really subject to a point of order. You know what the amendment is.

Mr. MANN. The amendment has not yet been read, and I never have read all of it. I have read a couple of pages and I found two items just alike on the two pages.

Mr. SIMS. You know what it is, though. If the gentleman has a real point of order and it is sustained, what is the use of using all this time?

The CHAIRMAN. The gentleman is within his rights.

Mr. SIMS. He is always within his rights.

Mr. MANN. I would like to ascertain if it is possible in the House now, if this bill were disposed of, to take up the war-claims bill, which is the amendment now being offered.

The CHAIRMAN. May the Chair inquire of the gentleman whether there are other claims bills on the calendar?

Mr. MANN. There are other claims bills reported by the Committee on Claims on the calendar.

The CHAIRMAN. The Chair is of the opinion the preference should be given to any gentleman who desires to call up a bill reported by the Committee on Claims.

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Suppose a gentleman should desire to call up a bill reported by the Committee on Claims, and the committee should vote not to take it up, and that action should be taken upon each of the bills, would it then be in order to take up the bill reported from the Committee on War Claims?

The Chair thinks it would change the law.

Mr. LAW rose.

The CHAIRMAN. The gentleman from New York [Mr. LAW] is recognized.

Mr. LAW. Mr. Chairman, I want to call the attention of the gentleman from Illinois to the fact that I do not offer all of the substitute, House bill 32767, but only the first 100 pages of it.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MANN. Mr. Chairman, would it be in order now to offer a preferential motion—a motion to strike out the enacting clause?

The CHAIRMAN. It would.

Mr. MANN. Then I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 43, noes 21.

So the motion was agreed to.

Mr. MANN. Mr. Chairman, I move that the committee proceed to the consideration of the bill (H. R. 32767) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts.

The CHAIRMAN. It seems to me that some disposition should be made of the previous bill in a report to the House.

Mr. MANN. I move that it be reported back with an adverse recommendation.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves that the Senate bill 7971 be laid aside and reported back with the recommendation that the enacting clause be stricken out. Is there objection? [After a pause.] The Chair hears none. That order will be made.

Mr. MANN. Mr. Chairman, I now move that the committee take up for consideration House bill 32767.

The CHAIRMAN. The gentleman from Illinois moves that the committee take up for consideration House bill 32767. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

Mr. SIMS. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] and the gentleman from Illinois [Mr. MANN] ask unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. GARDNER of Massachusetts. I object.

The CHAIRMAN. Objection is made. The Clerk will read.

Mr. STANLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STANLEY. Was there any objection made, Mr. Chairman?

Mr. LANGLEY. Mr. Chairman, I was charged with making the objection, but I did not make it.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. GARDNER of Massachusetts. I object.

The CHAIRMAN. The Clerk will read.

(The Clerk proceeded with the reading of the bill, beginning on page 2, line 11.)

Mr. HUGHES of New Jersey. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN (Mr. LENROOT). The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent that the further reading of the bill be dispensed with.

Mr. BENNET of New York. I object, Mr. Chairman.

Mr. AUSTIN. I object.

The CHAIRMAN. Objection is made. The Clerk will proceed with the reading.

Mr. BROUSSARD. Mr. Chairman, what bill is the Clerk reading now?

The CHAIRMAN. The bill is H. R. 32767, offered as an original bill.

Mr. BROUSSARD. By whom introduced? By whom requested?

The CHAIRMAN. The gentleman from Illinois made a motion that this bill be reported.

Mr. HUGHES of New Jersey. I did not hear the first section of the bill reported. I would like to have it reported all over again.

Mr. FITZGERALD. I object.

The CHAIRMAN. Objection is made. The Clerk will proceed.

The Clerk resumed the reading of the bill.

Mr. CARLIN. I ask unanimous consent to dispense with the further first reading of the bill.

Mr. BENNET of New York. I object.

The Clerk proceeded with the reading of the bill.

Mr. CANDLER. Mr. Chairman, if this is the proper time, I ask unanimous consent to dispense with the further first reading of the bill.

Mr. BENNET of New York. I object.

The Clerk proceeded with the reading of the bill.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. BENNET of New York. I object.

The Clerk proceeded with the reading of the bill.

Mr. GARDNER of Massachusetts. Mr. Chairman, this is a very important bill, and I think there ought to be a quorum present. I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. Evidently there is no quorum present. The Clerk will call the roll.

Mr. AUSTIN. Tellers!

Mr. BENNET of New York. Regular order, Mr. Chairman.

Mr. AUSTIN. I ask for tellers.

Mr. BENNET of New York. I make the point of order that there is no such thing as tellers to determine a quorum.

Mr. HEFLIN. I trust the gentleman from Massachusetts [Mr. GARDNER] will withdraw his point of no quorum.

Mr. BENNET of New York. Regular order!

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts regrets to state that after the Chair has announced that no quorum is present, it is not in order to withdraw the demand.

The CHAIRMAN. The Clerk will call the roll.

Mr. HEFLIN. I am under the impression that there is a quorum present. Is there no other way to settle this question except to have a roll call?

The CHAIRMAN. The Clerk will proceed with the calling of the roll.

Mr. HEFLIN. Can we not have tellers, Mr. Chairman?

Mr. BENNET of New York. Regular order!

The CHAIRMAN. The right to demand tellers to determine a quorum does not exist. That must be determined by the Chairman or by the calling of the roll.

Mr. HEFLIN. Several Members have come in since the Chair counted.

Mr. LANGLEY. Several have come in who were not counted.

Mr. AUSTIN. How many did the Chairman count?

The CHAIRMAN. The Chair counted 89.

Mr. CANDLER. Is it in order to ask a recapitulation of the count of the Chair?

The CHAIRMAN. The Clerk will proceed with the calling of the roll.

The Clerk proceeded with the calling of the roll.

Mr. CARLIN. I call the attention of the Chair to the fact that the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from New York [Mr. BENNET] ought to be counted as present. They were present when the roll call began, although they have since left the Hall of the House.

The CHAIRMAN. Debate is not in order. The roll call is in progress.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Coudrey	Fornes	Higgins
Alexander, N. Y.	Covington	Foss	Hill
Allen	Cowles	Foster, Vt.	Hinsaw
Ames	Cox, Ohio	Fowler	Hitchcock
Andrus	Craig	Fuller	Hollingsworth
Ansherry	Cravens	Gaines	Howard
Anthony	Crow	Gallagher	Howell, N. J.
Ashbrook	Crumpacker	Gardner, Mich.	Howell, Utah
Barclay	Dalzell	Gardner, N. J.	Hubbard, Iowa
Barnard	Davidson	Garner, Pa.	Hubbard, W. Va.
Barnhart	Davis	Gill, Md.	Huff
Bartholdt	Dawson	Gill, Mo.	Hughes, W. Va.
Bates	Denby	Gillespie	Hull, Iowa
Bennett, Ky.	Diekema	Gillet	Hull, Tenn.
Bingham	Dies	Goebel	Humphrey, Wash.
Boomer	Dodds	Goldfogle	James
Borland	Douglas	Goulden	Johnson, Ky.
Boutell	Draper	Graff	Johnson, Ohio
Bowers	Driscoll, D. A.	Graham, Pa.	Johnson, S. C.
Bradley	Driscoll, M. E.	Greene	Joyce
Brantley	Dupre	Gregg	Kahn
Burke, Pa.	Durey	Griest	Keifer
Burke, S. Dak.	Ellerbe	Guernsey	Kelher
Burleigh	Ellis	Hamer	Kendall
Burleson	Elvins	Hamill	Kennedy, Iowa
Butler	Englebright	Hamilton	Kennedy, Ohio
Byrd	Esch	Hammond	Kinkaid, Nebr.
Calder	Estopinal	Hanna	Kinkead, N. J.
Calderhead	Fairchild	Harrison	Knapp
Campbell	Fassett	Haugen	Knowland
Capron	Ferris	Havens	Kopp
Cassidy	Fish	Hawley	Kronmiller
Clark, Fla.	Fitzgerald	Hay	Küstermann
Clark, Mo.	Flood, Va.	Hayes	Lafean
Cocks, N. Y.	Focht	Henry, Conn.	Lamb
Conry	Foelker	Henry, Tex.	Langham
Cooper, Pa.	Fordney		Latta



Lawrence	Mendell	Ransdell, La.	Stevens, Minn.
Legare	Moon, Pa.	Reeder	Sturgiss
Lindbergh	Moon, Tenn.	Reid	Sulloway
Lindsay	Moore, Pa.	Rhinock	Sulzer
Livingston	Moore, Tex.	Richardson	Swasey
Lloyd	Morehead	Riordan	Talbot
Longworth	Morgan, Okla.	Roberts	Tawney
Loud	Morse	Roddenberry	Taylor, Ala.
Loudenslager	Moss	Roderberg	Taylor, Ohio
Lowden	Moxley	Rucker, Colo.	Thistlewood
Lundin	Mudd	Sabath	Thomas, Ky.
McCall	Murdock	Scott	Thomas, Ohio
McCreary	Murphy	Sharp	Townsend
McCredie	Needham	Sheffield	Underwood
McDermott	Nelson	Sheppard	Volstead
McGuire, Okla.	Norris	Sherley	Vreeland
McHenry	Nye	Sherwood	Wallace
McKinlay, Cal.	O'Connell	Simmmons	Wanger
McKinley, Ill.	Palmer, A. M.	Slayden	Washburn
McKinney	Palmer, H. W.	Slemp	Webb
McLachlan, Cal.	Patterson	Small	Weeks
McLaughlin, Mich.	Payne	Smith, Cal.	Wheeler
McMorran	Pearre	Smith, Iowa	Wiley
Macon	Peters	Smith, Mich.	Willett
Madden	Pickett	Smith, Tex.	Wilson, Pa.
Madison	Plumley	Snapp	Wood, N. J.
Malby	Poindexter	Southwick	Woods, Iowa
Martin, S. Dak.	Pou	Sparkman	Young, Mich.
Maynard	Pratt	Sperry	Young, N. Y.
Mays	Pray	Steenerson	
Miller, Minn.	Prince	Stephens, Tex.	
Millington	Rainey	Sterling	

So the committee rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, Mr. LENROOT, Chairman of the Committee of the Whole House, reported that the committee finding itself without a quorum, the roll was called and he reported the list of the absentees.

The SPEAKER pro tempore. The report shows that there are 110 Members present—a quorum.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

Mr. SIMS. I make a point of order, Mr. Speaker, against that. Does not the House go into Committee of the Whole automatically?

The SPEAKER pro tempore. The gentleman from New York moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. BENNET of New York) there were 67 ayes and 85 nays.

Mr. BENNET of New York. I make the point of order that no quorum is present.

The SPEAKER. A quorum is not required on this vote, and the committee will resume its session.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. LENROOT in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

During the reading of the bill unanimous consent to dispense with the further reading of the bill was asked at several points by Mr. CARLIN, Mr. STANLEY, and Mr. GARDNER of Massachusetts, to which Mr. BENNET of New York objected.

Mr. GARDNER of Massachusetts (when the Clerk had reached page 80 of the bill). Mr. Chairman, I suggest the absence of a quorum.

Mr. CARLIN. I raise the point of order that that is dilatory. The CHAIRMAN. It is evidently not dilatory.

Mr. HEFLIN. Mr. Chairman, I would like to ask the gentleman from New York, who has so much on his hands in the annexation of Canada, to withdraw his point of order.

Mr. BENNET of New York. I did not make a point of order.

Mr. HEFLIN. Who did make it?

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] makes the point of no quorum. The Chair will count. [After counting.] Eighty-eight Members present—not a quorum—and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Broussard	Cox, Ohio	Elvins
Adamson	Burke, Pa.	Craig	Englebright
Alexander, N. Y.	Burke, S. Dak.	Cravens	Esch
Allen	Burleigh	Creager	Fairchild
Ames	Burleson	Crow	Fassett
Andrus	Butler	Crumpacker	Ferris
Ansberry	Byrd	Dalzell	Fish
Anthony	Calder	Davidson	Fitzgerald
Ashbrook	Calderhead	Davis	Flood, Va.
Barclay	Campbell	Dawson	Focht
Barnard	Capron	Denby	Foelker
Barnhart	Carter	Diekema	Fordney
Bartholdt	Cassidy	Dies	Fortes
Bates	Clark, Fla.	Dodds	Foss
Bennett, Ky.	Clark, Mo.	Douglas	Foster, Vt.
Bingham	Cocks, N. Y.	Draper	Fowler
Booher	Conry	Driscoll, D. A.	Fuller
Borland	Cooper, Pa.	Driscoll, M. E.	Gaines
Boutell	Cooper, Wis.	Dupre	Gallagher
Bowers	Coudrey	Durey	Gardner, Mich.
Bradley	Covington	Edwards, Ky.	Gardner, N. J.
Brantley	Cowles	Ellis	Garner, Pa.

Gill, Md.	Kendall	Moon, Tenn.	Sherwood
Gill, Mo.	Kennedy, Iowa	Moore, Pa.	Simmons
Gillespie	Kennedy, Ohio	Moore, Tex.	Slayden
Gillett	Kinkaid, Nebr.	Morehead	Slemp
Goebel	Kinkaid, N. J.	Morgan, Okla.	Small
Goldfogle	Knapp	Morse	Smith, Cal.
Goulden	Knowland	Moss	Smith, Iowa
Graff	Kopp	Moxley	Smith, Mich.
Graham, Pa.	Korbly	Mudd	Smith, Tex.
Greene	Kronmiller	Murdock	Snapp
Gregg	Kuftermann	Murphy	Southwick
Griest	Lafean	Needham	Sparkman
Guernsey	Lamb	Nelson	Sperry
Hamer	Langham	Norris	Steenerson
Hamill	Latta	Nye	Stephens, Tex.
Hamilton	Lawrence	O'Connell	Sterling
Hammond	Legare	Page	Stevens, Minn.
Hanna	Lindbergh	Palmer, A. M.	Sturgiss
Harrison	Lindsay	Palmer, H. W.	Sulloway
Havens	Livingston	Parsons	Sulzer
Hawley	Lloyd	Patterson	Swasey
Hay	Longworth	Payne	Talbot
Hayes	Loud	Pearre	Tawney
Heald	Loudenslager	Peters	Taylor, Ala.
Henry, Conn.	Lowden	Pickett	Taylor, Ohio
Henry, Tex.	Lundin	Plumley	Thistlewood
Higgins	McCall	Poindexter	Thomas, Ky.
Hill	McCreary	Pou	Thomas, Ohio
Hinshaw	McCredie	Pratt	Tilson
Hitchcock	McDermott	Pray	Townsend
Hollingsworth	McGuire, Okla.	Prince	Underwood
Howard	McHenry	Rainey	Volstead
Howell, N. J.	McKinlay, Cal.	Ransdell, La.	Vreeland
Howell, Utah	McKinley, Ill.	Rauch	Wallace
Hubbard, Iowa	McKinney	Reeder	Wanger
Hubbard, W. Va.	McLachlan, Cal.	Reid	Washburn
Huff	McLaughlin, Mich.	Rhinock	Webb
Hughes, W. Va.	McMorran	Richardson	Weeks
Hull, Iowa	Macon	Riordan	Wheeler
Humphrey, Wash.	Madden	Roberts	Wiley
James	Madison	Roddenberry	Willett
Johnson, Ky.	Malby	Rodenberg	Wilson, Ill.
Johnson, Ohio	Martin, S. Dak.	Rucker, Colo.	Wilson, Pa.
Johnson, S. C.	Maynard	Sabath	Wood, N. J.
Joyce	Mays	Scott	Woods, Iowa
Kahn	Miller, Minn.	Sharp	Woodward
Kelfer	Millington	Sheffield	Young, Mich.
Kelther	Mondell	Sheppard	Young, N. Y.
	Moon, Pa.	Sherley	

The committee rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar, and finding itself without a quorum, the roll was called under the rule, and he reported the list of absentees.

Mr. SHACKLEFORD. Mr. Speaker, before the Chair announces the vote, I desire to inquire if the gentleman from Texas [Mr. BURGESS] was recorded.

The SPEAKER pro tempore. We are now in the House, and the Chair does not know what occurred in Committee of the Whole, but the Chair assumes that the Clerk did not record the name of any gentleman who did not answer when his name was called.

Mr. CARLIN. I desire to inquire if the gentleman from Texas [Mr. BURGESS] is recorded as among the absentees. That is the point I wish to make before the Chair announces the vote.

The SPEAKER pro tempore. We are now in the House. It appears from the roll that there are present 99 Members.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York that the House do now adjourn.

The question was taken, and the motion was rejected.

Mr. AUSTIN. Mr. Speaker, I wish to call attention to the fact that the gentleman from Wisconsin [Mr. STAFFORD] is present, and that makes a quorum.

Mr. STAFFORD. Mr. Speaker, I recorded myself as being present, and I believe the Journal will show that.

Mr. CARLIN. Mr. Speaker, I wish the absentees to be reported. I would like to ask if the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Texas [Mr. BURGESS] are recorded among the absentees. Both are here and both answered to their names. I asked the Clerk if Mr. BURGESS was recorded, and he told me he was.

The SPEAKER pro tempore. Does the gentleman desire to have the list of absentees read?

Mr. CARLIN. I would have to ask that it be read unless the Speaker would inform me how Mr. STAFFORD and Mr. BURGESS are recorded—whether present or absent.

The SPEAKER pro tempore. The Chair has not personally inspected the roll, but is informed that the gentleman from Wisconsin [Mr. STAFFORD] is recorded as having voted "present." The gentleman from Texas [Mr. BURGESS] is not recorded.

Mr. CARLIN. Mr. Speaker, the gentleman from Texas [Mr. BURGESS] is here, and the Clerk informed me that he was so recorded.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to call attention to the fact that the gentleman from Texas [Mr. BURGESS] was present during the call and is present now and, as I understand, he answered to his name. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. We all know that the hour is late and that the gentleman from Texas, I know, was present when his name was called, and he has been present ever since. He was physically present in the Hall, in the Committee of the Whole, when his name was called. He was not absent and he has not been absent during any part of the session of this House or of the Committee of the Whole. I want to inquire whether it is not proper that his name should be recorded.

Mr. MANN. Mr. Speaker, I rise to call the attention of the Chair to paragraph 3 of Rule XV, page 376 of the Manual:

On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal and reported to the Speaker, with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

Of course, the question is whether that applies to the Committee of the Whole. Now, the Speaker had announced to him on a roll call in the committee that 99 Members were present. The Speaker was notified when he first took the chair that the gentleman from Texas was present.

Mr. BARTLETT of Georgia. And has been all the time.

Mr. MANN. At that time his name was not recorded, but it seems to me that it is the duty of the Chair to note the presence of the gentleman from Texas in order to determine the fact that there was a quorum of the committee at the time the Speaker took the chair.

Mr. CURRIER. Should not that have been called to the attention of the Chairman of the committee before the Speaker took the chair?

Mr. CARLIN. I did call it to the gentleman's attention, and the gentleman did not listen to me.

Mr. CURRIER. I beg the gentleman's pardon.

Mr. CARLIN. Or rather the gentleman did not hear me.

The SPEAKER pro tempore. In the House the Speaker can not take notice of what took place in the committee and has no knowledge except as he takes it from the report of the Chairman.

Mr. BURGESS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURGESS. For the purpose of having my name recorded.

Mr. LANGLEY. Mr. Speaker, I understand the name of the gentleman from Texas [Mr. BURGESS] was first recorded on the roll and that then it was corrected by somebody and his name was stricken out. If he is counted it would make a quorum, and I think he should be counted.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to state I know the gentleman from Texas has been present all the time and in his seat all the time. He was present at the time the point of no quorum was made and has been present in his seat all the time since the point of no quorum was made. Mr. Speaker, it is now 4 o'clock in the morning, and when the name of the gentleman from Texas was called the Journal clerk told me he was recorded. That is what I want to state.

Mr. HEFLIN. Mr. Speaker, I desire to inquire if Judge TAYLOR, of Colorado, is recorded as present—

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to make a statement to the Chair. When the name of the gentleman from Texas [Mr. BURGESS] was called I started toward his chair and I asked the Journal clerk if Mr. BURGESS was recorded as being present, and the Journal clerk stated to me he was recorded as present—

Mr. HEFLIN. Mr. Speaker, I desire to ask if Judge TAYLOR, of Colorado, is recorded as present—

Mr. BARTLETT of Georgia. Wait a moment. And I insist, Mr. Speaker, that it is a fact that the gentleman from Texas was present and is present, and he has not been absent from this Hall since 11 o'clock yesterday morning. I insist that the RECORD should show that the gentleman from Texas was not absent.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent that the presence of the gentleman be considered as established.

The SPEAKER pro tempore. The attention of the Chair has been called to the third paragraph of Rule XV, which provides that—

On the demand of any Member or at the suggestion of the Speaker the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the

Journal and reported to the Speaker, with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

That relates to the ascertainment of a quorum when a vote is taken. It does not apply to the present situation. What we are now trying to ascertain is whether or not there was a quorum of 100 answered to their names upon the roll call in the Committee of the Whole. The rule upon that subject is found in the second paragraph of Rule XXIII, as follows:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall be 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The question now is whether, upon that roll call in the committee, 100 Members responded. In the House the Chair can know nothing of what occurred in the committee except as reported to him by its chairman. The Chair, from a hasty inspection of the roll, announced that 99 were present. It appears that the roll was kept in duplicate. Upon the copy which the Chair now holds there appears opposite the name of Mr. BURGESS the usual mark indicating that he responded to the roll call. Then there is another mark around that mark which indicates the contrary. There was much confusion in the Hall, and still is. It is quite likely that the clerks all thought he had answered and afterwards that he had not, or one clerk may have thought he heard him, while the other did not. We can not go behind the returns to learn just how it did happen. It is not entirely clear what should be done, but finding that Mr. BURGESS was at one time or by one clerk recorded as answering, and as the gentleman is present and probably was present in the committee, the Chair will, without further inquiry, treat the roll as showing his presence and declare that it shows 100 Members, a quorum, to have appeared.

The committee will resume its session.

Mr. GARDNER of Massachusetts. Mr. Speaker, is it in order to ask for a recapitulation of other votes, inasmuch as the vote of the gentleman from Texas [Mr. BURGESS] has been recapitulated?

Mr. CARLIN. Regular order, Mr. Speaker.

Mr. GARDNER of Massachusetts. That is what the regular order is, sir.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GARDNER] is entitled to have a list of absentees reported, if he so desires.

Mr. GARDNER of Massachusetts. No; I withdraw that.

The SPEAKER pro tempore. The committee will resume its session.

The CHAIRMAN (Mr. CURRIER). The committee will be in order. The Clerk will resume the reading of the bill.

The Clerk proceeded with and concluded the reading of the bill.

Mr. LAW. Mr. Chairman, I do not feel that very much explanation of the bill is called for from me at the present time, for the reason that I gave quite a full explanation of the bill while the Senate bill was under consideration during the afternoon. Therefore, for the present I shall offer no further explanation than has already been offered.

Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, there have been numerous speeches made in support of this bill, but I have said nothing in relation to it up to this time, for which, no doubt, the House is devoutly thankful. It is now half past 4 o'clock in the morning, and we have been in continuous session for about 30 hours on this bill. I recognize that everyone, including myself, is worn out, but I feel that I ought to say this much in support of the items in this bill, that we have not only the findings of the Court of Claims as to the justness and correctness of these items, but we also have the unanimous recommendation of the committee that has very carefully considered it. I refer to the Committee on War Claims.

My idea of the matter is this: That there are no obligations which the Government ought to meet more promptly than these claims which a court has determined are honestly and justly due. We appropriate thousands, yea, millions, of dollars every session of Congress on projects for which the Government is not legally liable, but which it enters into voluntarily. The claims carried in this bill are certainly obligations justly due from the Government. There are in this bill to my certain knowledge some claims that have been due from the Government for forty-odd years. There are some church claims in my own district, to wit, the Christian Churches at Marshall and Warsaw, Mo., and the Methodist Church South at Springfield, Mo., aggregating \$5,050, which a competent court has deter-



mined, and, I believe, are justly, due from the Government and ought to be paid. And yet these claims have not been paid. I believe that the Government is under as much obligation to meet its just debts as are individuals, and I undertake to say now that there is not a gentleman listening to me, if he would confess a claim just and yet neglect or refuse to pay it, but would justly forfeit all respect of his fellows. This is a great and rich Government, and it ought not to neglect to meet its just obligations and meet them promptly.

The only discordant note that I have heard here to-night, or, rather, the only speech that has been made here that in any way questions the correctness of these claims, was made by the gentleman from Kansas [Mr. CAMPBELL]. I am sorry that he is not here now, because I have taken the trouble to look up some records which will be of interest in connection with his statement. He characterized this bill as a "pork barrel;" and yet, if that be true, I will say to him that the "pork" was certainly selected by a court wholly Republican, and one that has been selected by the Government itself. But I say that a bill containing only a list of items of just obligations of this Government ought not to be characterized as a "pork barrel." But, Mr. Chairman, what has come over the "spirit of the dreams" of the gentleman from Kansas? Since when did he begin to shy away from a "pork barrel?"

An investigation of the RECORD shows that last year when the House had under consideration the public-buildings bill the gentleman from Kansas supported and voted for that bill. Now may not the difference in his action on that bill and this be accounted for in the fact that the public-buildings bill carried over \$392,000 for the gentleman's State while this bill only carries about \$1,900 for his State? In other words, Mr. Chairman, are we not warranted in concluding that the gentleman first examines, carefully, of course, what he terms the "pork barrel," and if the "pork" in the "barrel" is "fat," as it was in the public-buildings bill, he accepts it most willingly, but if "lean," as in this bill, he rejects it with contempt, and even says that it "stinks?"

Mr. Chairman, I resent the statement that this is anything in the nature of a "pork barrel." I believe that it carries only just claims, long past due. Otherwise, I would certainly register my vote against it.

In addition to these church claims in my district, which I believe to be just, there is a claim which one of my colleagues has urged upon this floor, of a gentleman who formerly lived in his district, but now lives in mine, about which I desire to say a word.

A MEMBER. How did he happen to get into your district?

Mr. HAMLIN. He wanted to live in the best district in the United States, and therefore moved into mine. [Laughter.]

Mr. RUCKER of Missouri. I want to correct the gentleman. He does not mean that.

Mr. HAMLIN. I want to incorporate in my remarks, Mr. Chairman, an affidavit that was sent to me the other day, setting forth the facts in relation to the claim of Francis M. Sheppard. As my colleague [Mr. RUCKER] very properly said the other day on this floor, that there was taken from this old soldier by the officer in command of the company \$830 under the pretense that about half of that sum was won by this old soldier in a game of some kind of chance and that that money, under some kind of a rule in the service, should be confiscated, and was so confiscated, by the officer in command and used in the purchase of musical instruments, and so forth; that no part of this money has ever been returned to this old man. They took all of his money, yet only claimed that he had won about one-half of it at a game of chance. For forty-odd years this great Government has kept that old man's money, and now that he is 77 years old, unable to work, and in great need, this great and rich Government offers to give him back the pitiful sum of \$360, without interest. I protest that this conduct is nothing short of an outrage.

This old man swears that not one dollar of this money was won by gambling. His affidavit is as follows:

R. F. D. No. 2, GILLIAM, Mo.

STATE OF MISSOURI, County of Saline, ss:

Personally appeared before the undersigned, a notary public in and for the county and State aforesaid, Francis M. Sheppard, aged 77 years, who, being duly sworn, on his oath states as follows, to wit: That it has been so long that he can not remember all of the circumstances of where or how he came into possession of the money taken from him (or his agent) by Gen. W. B. Hazen in 1864, but that he had \$400 before he went into the service of the United States; that he loaned I. D. Jennings, acting quartermaster Company I, One hundred and sixteenth Illinois Volunteer Infantry, \$225 or \$250; Thomas Hammond, corporal, Company I, One hundred and sixteenth Illinois Volunteer Infantry, \$50, and John Sheppard, Company B, One hundred and sixteenth Illinois Volunteer Infantry, \$100; and they all paid him back in Government bonds, if he would remit the interest, which he did; and that at Atlanta, Ga., he was paid \$116 by the paymaster in Govern-

ment bonds; the balance was money due him that he had loaned in small amounts, and can not at this late date remember to whom nor in what amounts; and that none of it was won by gambling; that it was and is lawfully his money; that he was wrongfully deprived of the same, and he is entitled to the interest on said money, as it was in Government bonds and bore interest for 20 years. And further deponent sayeth not.

FRANCIS M. SHEPPARD.

Witnesses:

ABE SHEPPARD.  
HARRY L. HILL.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 17th day of January, 1911. And I further certify that I have no interest in this claim and am not concerned in its prosecution. My commission expires June 10, 1913.

[SEAL.]

DAVID T. SYDENSTRICKER,  
Notary Public, Saline County, Mo.

Mr. Chairman, I believe in the justness of every claim in this bill, so far as my information goes, and I base that opinion on the findings of the Court of Claims and on the very close scrutiny which the Committee on War Claims has given to every item. I believe this bill ought to pass, and I feel that the filibuster which the gentleman from Illinois [Mr. MANN] and some of the other Republicans have been carrying on against this bill for two days and nights is inexcusable.

I yield back the remainder of my time. [Applause.]

Mr. LAW. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized for five minutes.

Mr. CARLIN. Mr. Chairman, as general debate seems to have been concluded, I move—

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. AUSTIN. Mr. Chairman, I do not believe that any historian can truthfully portray the trials and sufferings and hardships endured by the Union men of the South during the Civil War. It was easy to be loyal in the North, but it cost something to be true to the flag in the States of the Southern Confederacy. I represent on the floor of this House a district that was filled with Union men. Both armies camped and fought over that district. The great mass of its population were poor men, yet they made every sacrifice for the Union. They left their wives and children at night and crossed the mountains into Kentucky to enlist in the Union Army. While they were absent Burnside's army came there and lived among my people. No tongue can tell the sufferings of those patriotic men and women in their devotion to the Union of our fathers. For half a century they have waited for justice at the hands of the greatest and richest Republic on the face of this earth. They have gone into the tribunal established by an act of Congress passed by the Republican Party. They have furnished the proof; they have had their witnesses examined and cross-examined by the best-paid attorneys to be found by the Department of Justice.

Mr. HAMLIN. Will the gentleman permit an interruption?

Mr. AUSTIN. No; not now. They have gone before this tribunal. They have established beyond question their loyalty and their fidelity to the Government. They have furnished the vouchers signed by Union Army officers, showing that their property—the meat in their smokehouses, their flour, lard, produce, and everything that they had to keep their wives and children alive—had been surrendered to maintain and feed the Union Army. And here I am to-night, as a Representative of this loyal Union district, loyal to the Republic and for 50 years loyal to the Republican Party, looking to ex-Confederates and the sons of ex-Confederates in this House in the sure hope that they will vote for my people. [Applause.]

The opposition to this bill comes from the Republican side of the Chamber. [Applause on the Democratic side.] Yet they tell us that the war is over. Oh, my fellow Republicans, cease this unkindness. It is not creditable to our party; it is not kind in you. If you could go into the humble homes of these plain, honest mountain people and know the story of their sufferings and privations for the Union you would not filibuster here day after day to prevent the payment of their honest and just claims. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LAW. I yield to the gentleman from Tennessee five minutes more.

Mr. AUSTIN. I went through the Democratic cloakroom to-night, and there sat that grand old commander of the Confederate forces, Gen. Gordon. [Applause.] Near by was that other old Confederate soldier, the gentleman from Alabama [Mr. RICHARDSON], representing the district of my birth, both more than 70 years of age, standing here and voting and fighting to pay the just claims of the Union men of the South. [Applause.]

Oh, my countrymen and my fellow Republicans, in God's name stop your opposition. [Applause.]

Mr. STANLEY. May I ask the gentleman a question?

Mr. AUSTIN. No, my good Kentucky friend; I can not yield. The court established by our party say they are entitled to the payment of these claims. They piled up their testimony mountain high, and have been doing it since the close of the unfortunate strife between the sections. Now, in old age, when they are too old to work, they have the decision of a Republican court in their favor, and they have the approval of a Republican President, William H. Taft—God bless him. [Applause.] He believes in justice to the South. He understands the southern people. He sympathizes with them; he feels for them. Follow his recommendation in this case. The war is over. We could not give a higher or a stronger testimonial of the complete union of our sections than to pass this bill. Do not let these men on the Democratic side go back to my constituents and tell them that you, my fellow Republicans, fought against the payment of these honest claims. [Applause.]

Mr. LAW. I yield five minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, I have the high honor of representing a district in one of the border States of this Union in the Civil War, the State of Kentucky, in which district was fought one of the pivotal battles of that Civil War, the Battle of Perryville. Within a radius less than 20 miles of where that battle was fought there are no less than 40 or 50 churches that were used by the Federal troops as hospitals within which to care for and nurse the soldiers that were wounded in that terrific battle. The claims for the use of these churches as such are in this bill. The Government should be as swift to appropriate the money with which to pay debts incurred in the past as it is, and as it does here daily, to incur new and additional indebtedness. Apparently you are far more eager to create new debts for the Government to pay than you are to pay those that you now owe.

In the name of these Christian people who had erected these churches and dedicated them to God's use, and in behalf of humanity after that bloody struggle, had turned them over for the use of the Federal soldiers who had been wounded in that bloody battle, I am here asking this Congress to do justice to those people who had erected these churches, and in the magnanimity of their hearts had turned them over, not to the use of the Confederate soldiers who fought on that bloody field of battle but to the use of the Federal soldiers who were wounded there.

Mr. CARLIN. Will the gentleman yield?

Mr. HELM. With pleasure.

Mr. CARLIN. I want to say to the committee that if unanimous consent can be secured for a recess until five minutes of 12, there is a disposition to take that recess. Of course, I know the gentleman is going to say that that can not be secured in Committee of the Whole. That is perfectly true, but we will take the word of gentlemen in the Committee of the Whole, and then in the House we can, by unanimous consent, do it. But we will not be willing to rise unless we can secure the consent in Committee of the Whole.

Mr. STAFFORD. Will the gentleman from Kentucky yield to me for a minute?

Mr. HELM. Certainly.

Mr. STAFFORD. It is now, Mr. Chairman, five minutes of 5 in the morning. To take a recess until five minutes of 12 makes an absence of seven hours. If we meet here at five minutes of 12, we will be in the same position as we are at this hour, without any limit to general debate, and there could be nothing gained by taking the recess except the loss of seven hours.

Mr. GARDNER of Massachusetts. Will the gentleman from Kentucky yield to me?

Mr. HELM. With pleasure.

Mr. GARDNER of Massachusetts. It is very evident that nothing can be gained by staying here, because it is impossible to close general debate except by order of the House. The moment we get into the House we find that we have not 193 Members present—a quorum; and we can not make any progress between now and such an hour as we may obtain 193 Members—some time along in the morning. Everybody knows that general debate will have to go on.

Mr. STAFFORD. In reply to the supposititious case put by the gentleman from Massachusetts, I am aware that general debate is in order, but I do not concede that it is possible to continue general debate for seven hours. I am in favor of reading the bill by paragraphs, and I think we will get through it long before five minutes of 12.

Mr. GARDNER of Massachusetts. I do not think the gentleman understands the situation.

Mr. STAFFORD. I think I do.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LAW. Mr. Chairman, in order that the matter may be straightened out, I will yield five minutes to the gentleman from Massachusetts [Mr. GARDNER], and later I will yield to the gentleman from Kentucky.

Mr. GARDNER of Massachusetts. Mr. Chairman, I want to say to the gentleman from Wisconsin that we can not go on and read the bill by paragraphs until the House has ordered us to. You can not finish this stage of the bill; you can not begin to read the bill until the House has ordered general debate to close.

Mr. STAFFORD. The gentleman from Massachusetts is mistaken. When no Member demands further general debate we can go ahead under the five-minute rule.

Mr. GARDNER of Massachusetts. Mr. Chairman, a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER of Massachusetts. Is the gentleman from Wisconsin correct in his statement?

The CHAIRMAN. The Chair understands that when general debate is exhausted the bill will be read under the five-minute rule. The gentleman from Kentucky is recognized for four minutes.

Mr. HELM. Mr. Chairman, there is no need to remind you gentlemen on my right hand that when you allow these claims contained in this bill you are not allowing claims to men who fought for the Confederacy in the South, but you are allowing claims to men in the South who were loyal to the Federal Government. You are not allowing claims here in this bill to those who were disloyal to the Government from 1861 to 1865, but you are allowing claims to citizens and people south of Mason and Dixon's line who were loyal to the Federal Government.

I think it ill becomes this Congress at this belated day to refuse the hand of justice to the loyal subjects of this Government south of the Mason and Dixon line who are now asking Congress to repay and to make good the property which the Federal Government took from them. May I as a man south of that line remind this House that since the close of that war we southern people, without a murmur, without a protest, have paid every pension bill, every dollar, that we have been required to pay under the law? We have paid our full share of the taxes that have been imposed upon this people to pay pensioners of the Civil War. We have never yet said nay to a dollar that you have asked for the purpose of paying these Federal soldiers. It does occur to me that it ill becomes the Republican Party at this late day to refuse to refund to the loyal people of the South, the men who were faithful to the Federal Government, the property that was taken from them—claims that have been adjudged by the court to be due and still unpaid. [Applause.]

Mr. LAW. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Chairman, it is now 5 o'clock on Sunday morning. I know that this legislative day is Friday, but as a matter of fact it is Sunday morning and 5 o'clock. I therefore propose to talk in behalf of some of the Christian churches in the United States.

I believe that our very civilization is dependent upon our perpetuation of Christianity in our midst. I believe this can not be done without the support of the churches and the recognition of their great work. Every man, whether he be a Christian or otherwise, must admit that in this country we owe more to the Christian churches for the preservation of society and good order than any other agency. This bill now pending takes into consideration debts that the United States owes to a number of these church organizations. In Alabama churches hold these claims against the Government of the United States, admittedly just, adjudged to be just, and nobody controverts the fact that they are just and ought to be paid. I read from the bill:

To the trustees of the Cumberland Presbyterian Church, of Athens, Ala., \$1,440.  
To the trustees of the Methodist Episcopal Church South, of Bellefonte, Ala., \$380.  
To the trustees of the Methodist Episcopal Church South, of Decatur, Ala., \$1,850.  
To the trustees of the Presbyterian Church, of Decatur, Ala., \$3,000.  
To the trustees of the Missionary Baptist Church, of Gravelly Springs, Ala., \$725.  
To the trustees of the Cumberland Presbyterian Church (colored), of Huntsville, Ala., \$220.  
To the trustees of the Missionary Baptist Church, of Huntsville, Ala., successor to the Primitive Baptist Church, of Huntsville, Ala., \$1,760.  
To the trustees of the Primitive Baptist Church (colored), of Huntsville, Ala., \$909.  
To the trustees of the Oak Grove Methodist Church South, of Jackson County, Ala., \$550.  
To the trustees of the Cumberland Presbyterian Church, of Larkinsville, Ala., \$525.



To the trustees of the Methodist Episcopal Church South, of Oak-bowery, Ala., \$250.

To the Bolivar Lodge, No. 127, Free and Accepted Masons, of Stevenson, Jackson County, Ala., \$1,150.

To the trustees of the Missionary Baptist Church, of Waterloo, Ala., \$615.

To the trustees of the First Baptist Church, of Decatur, \$2,200.

To the trustees of Cumberland Presbyterian Church, of Bellefonte, \$750.

Mr. Chairman, I have read this for the purpose of showing a sample of the claims embraced in this bill. The individual bills which seek to pay widows and others for property taken or used by the Federal forces during the Civil War present cases just as meritorious as those that I have mentioned, cases as indisputably just in law and in fact. I think that this Congress sitting here on the Lord's day can do no better work than to pay claims due to these people who are mentioned throughout this bill and to pay the debts due to these Christian churches. I hope no more dilatory tactics will be indulged in here and that we may be permitted here and now on this blessed day to pass this meritorious measure without any further dilatory tactics. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman, I raise the point that there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-seven Members—not a quorum—and the Clerk will call the roll.

Mr. FINLEY. Mr. Chairman, a parliamentary inquiry. Can we not have tellers?

The CHAIRMAN. Tellers can not be ordered. The call of the roll will disclose how many are present. The Clerk will call the roll under the rules.

The roll was called, and the following Members failed to answer to their names:

Adair	Englebright	Kinkaid, Nebr.	Poindexter
Adamson	Esch	Kinkead, N. J.	Pou
Alexander, Mo.	Fairchild	Knapp	Pratt
Alexander, N. Y.	Fassett	Knowland	Pray
Allen	Ferris	Kopp	Prince
Ames	Fish	Kronmiller	Rainey
Anderson	Fitzgerald	Küstermann	Ransdell, La.
Andrus	Focht	Lafean	Reeder
Ansberry	Foelker	Lamb	Reid
Anthony	Fordney	Langham	Rhinock
Ashbrook	Fornes	Latta	Richardson
Barclay	Foss	Lawrence	Riordan
Barnard	Poster, Vt.	Legare	Roberts
Barnhart	Fowler	Lindbergh	Roddenbery
Bartholdt	Fuller	Lindsay	Rothermel
Bates	Gaines	Livingston	Rucker, Colo.
Bennet, N. Y.	Gallagher	Lloyd	Sabath
Bennett, Ky.	Gardner, Mich.	Longworth	Scott
Bingham	Gardner, N. J.	Loud	Shackelford
Boehne	Garner, Pa.	Loudenslager	Sharp
Boober	Gill, Md.	Lowden	Sheffield
Borland	Gill, Mo.	Lundin	Sheppard
Boutell	Gillespie	McCall	Sherley
Bowers	Gillett	McCreary	Sherwood
Bradley	Goebel	McCredie	Simmons
Brantley	Goldfogle	McDermott	Slayden
Broussard	Good	McGuire, Okla.	Slemp
Burke, Pa.	Goulden	McHenry	Small
Burke, S. Dak.	Graft	McKinlay, Cal.	Smith, Cal.
Burleigh	Graham, Pa.	McKinley, Ill.	Smith, Iowa
Burleson	Greene	McKinney	Smith, Mich.
Butler	Gregg	McLachlan, Cal.	Smith, Tex.
Byrd	Griest	McLaughlin, Mich.	Snapp
Calder	Guernsey	McMorran	Southwick
Calderhead	Hamer	Macon	Sparkman
Campbell	Hamill	Madden	Sperry
Capron	Hamilton	Madison	Steenerson
Carter	Hammond	Malby	Stephens, Tex.
Cassidy	Hanna	Martin, S. Dak.	Sterling
Clark, Fla.	Harrison	Maynard	Stevens, Minn.
Clark, Mo.	Haugen	Mays	Sturgiss
Cocks, N. Y.	Havens	Miller, Minn.	Sulloway
Conry	Hawley	Millington	Sulzer
Cooper, Pa.	Hay	Mondell	Swasey
Cooper, Wis.	Heald	Moon, Pa.	Talbott
Coudrey	Henry, Conn.	Moon, Tenn.	Tawney
Covington	Henry, Tex.	Moore, Pa.	Taylor, Ala.
Cowles	Higgins	Moore, Tex.	Taylor, Colo.
Cox, Ohio	Hill	Morehead	Taylor, Ohio
Craig	Hinshaw	Morgan, Okla.	Thistlewood
Cravens	Hitchcock	Morse	Thomas, Ky.
Crager	Hollingsworth	Moss	Thomas, Ohio
Crow	Howard	Moxley	Tilson
Crumpacker	Howell, N. J.	Mudd	Townsend
Dalzell	Howell, Utah	Murdoch	Underwood
Davidson	Hubbard, Iowa	Murphy	Volstead
Davis	Hubbard, W. Va.	Needham	Vreeland
Dawson	Huff	Nelson	Wallace
Denby	Hughes, W. Va.	Norris	Wanger
Diekema	Hull, Iowa	Nye	Washburn
Dies	Humphrey, Wash.	O'Connell	Webb
Dodds	James	Olcott	Weeks
Douglas	Johnson, Ky.	Page	Wheeler
Draper	Johnson, Ohio	Palmer, A. M.	Wiley
Driscoll, D. A.	Johnson, S. C.	Palmer, H. W.	Willlett
Driscoll, M. E.	Joyce	Parsons	Wilson, Ill.
Dupe	Kahn	Patterson	Wilson, Pa.
Durey	Kelifer	Pearre	Wood, N. J.
Edwards, Ky.	Kelther	Peters	Woods, Iowa
Ellerbe	Kendall	Pickett	Woodyard
Ellis	Kennedy, Iowa	Plumley	Young, Mich.
Elvins	Kennedy, Ohio		Young, N. Y.

The committee rose; and Mr. OLMSTED having resumed the chair as Speaker pro tempore, Mr. CURRIE, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar and found itself without a quorum. The roll was called under the rule, and the Chairman herewith returned the list of absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole reports that that committee having under consideration bills on the Private Calendar and finding itself without a quorum of the committee, the roll was called in pursuance of the rule, and the Chairman now reports the following list of absentees. That list shows the presence of 95 Members—not a quorum.

Mr. THOMAS of North Carolina. Mr. Speaker, I move a call of the House.

Mr. GARDNER of Massachusetts. Mr. Speaker, pending that, I ask unanimous consent that the House recess until five minutes to 12 o'clock.

The SPEAKER pro tempore. The gentleman from North Carolina moves a call of the House—

Mr. THOMAS of North Carolina. I will withhold that motion for the present, or I will withdraw it. Can we agree—

Mr. HAMLIN. Mr. Speaker, reserving the right to object to ask a question—

Mr. GARDNER of Massachusetts. There has been no objection, but the gentleman from Missouri reserved the right to object so as to be able to ask a question.

The SPEAKER pro tempore. The Chair desires to state to the gentleman from Massachusetts and all gentlemen that the manifest absence of a quorum having been disclosed on the call, there will have to be a quorum of record before a motion for a recess will be in order.

Mr. GARDNER of Massachusetts. Can not it be had by unanimous consent?

The SPEAKER pro tempore. Business can not be done by unanimous consent or otherwise in the absence of a quorum, such absence appearing of record.

Mr. THOMAS of North Carolina. Then, Mr. Speaker, I renew my motion for a call of the House.

The SPEAKER pro tempore. The gentleman from North Carolina moves a call of the House.

The question was taken, and the resolution was agreed to.

The SPEAKER pro tempore. The doors will be closed, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. HEFLIN. Mr. Speaker, I move that the Sergeant at Arms be directed to bring in absentees, including the Speaker of the House.

The SPEAKER pro tempore. That is not in order at this time. The roll will have to be called in order that the names of the absentees may be ascertained.

The roll was called, and the following Members failed to answer to their names:

Alexander, Mo.	Foss	Johnson, Ohio	Norris
Alexander, N. Y.	Foster, Vt.	Joyce	Nye
Allen	Fowler	Kahn	O'Connell
Ames	Fuller	Kelifer	Palmer, A. M.
Anthony	Gaines	Kellher	Palmer, H. W.
Barclay	Gallagher	Kennedy, Iowa	Patterson
Barnard	Gardner, Mich.	Kinkead, N. J.	Payne
Bartholdt	Gardner, N. J.	Knapp	Pearre
Bates	Garner, Pa.	Kronmiller	Peters
Bennett, Ky.	Gill, Md.	Lafean	Pickett
Bingham	Gill, Mo.	Lamb	Plumley
Bowers	Gillett	Langham	Poindexter
Bradley	Goebel	Legare	Pou
Burke, Pa.	Goldfogle	Lindsay	Pratt
Burleigh	Good	Livingston	Pray
Byrd	Graham, Pa.	Longworth	Prince
Calderhead	Greene	Loud	Ransdell, La.
Capron	Griest	Lowden	Reid
Carter	Hamer	Lundin	Rhinock
Cassidy	Hamill	McCreary	Richardson
Cocks, N. Y.	Hamilton	McCredie	Roberts
Conry	Hammond	McDermott	Roddenbery
Cooper, Wis.	Harrison	McGuire, Okla.	Rucker, Colo.
Coudrey	Haugen	McHenry	Sabath
Covington	Havens	McKinlay, Cal.	Scott
Crow	Hawley	McLaughlin, Mich.	Shackelford
Dalzell	Hayes	McMorran	Sharp
Denby	Heald	Macon	Sheffield
Diekema	Henry, Conn.	Malby	Simmons
Dies	Higgins	Martin, S. Dak.	Slayden
Douglas	Hill	Miller, Minn.	Slemp
Draper	Hinshaw	Millington	Small
Driscoll, D. A.	Howard	Mondell	Smith, Cal.
Dupe	Howell, N. J.	Moon, Pa.	Smith, Iowa
Ellerbe	Howell, Utah	Moon, Tenn.	Smith, Mich.
Ellis	Hubbard, Iowa	Moore, Pa.	Smith, Tex.
Elvins	Hubbard, W. Va.	Moore, Tex.	Southwick
Fassett	Huff	Morehead	Sperry
Fish	Hughes, W. Va.	Morse	Stephens, Tex.
Fitzgerald	Hull, Iowa	Mudd	Sturgiss
Foelker	Humphrey, Wash.	Murdoch	Sulzer
Fordney	James	Murphy	Talbott
Fornes	Johnson, Ky.	Needham	Taylor, Colo.

Taylor, Ohio  
Underwood  
Volstead  
Vreeland

Wanger  
Washburn  
Wheeler  
Wilson, Ill.

Wilson, Pa.  
Wood, N. J.  
Woods, Iowa  
Woodyard

Young, Mich.  
Young, N. Y.

Pending the appearance of a quorum, the following proceedings occurred:

Mr. HEFLIN. Mr. Speaker, has the roll been completed?

The SPEAKER pro tempore. The names of all the Members have been called.

Mr. HEFLIN. I desire to ask if there is a quorum?

The SPEAKER pro tempore. There is not.

Mr. HEFLIN. Then I move that the Sergeant at Arms be instructed to go out and bring in the absent Members.

I thought that at this time, Mr. Speaker, when the call disclosed there was no quorum, it was in order to make a motion to send the Sergeant at Arms out for absent Members in order to make a quorum.

I send to the Clerk's desk a motion which I desire to submit.

The SPEAKER pro tempore. The Clerk will report the same.

The Clerk read as follows:

*Ordered*, That the Sergeant at Arms take into custody and bring to the bar of the House such of its Members as are absent without leave.

The SPEAKER pro tempore. The Chair thinks that motion is in order at this time.

The question is on agreeing to the motion offered by the gentleman from Alabama [Mr. HEFLIN].

The question was taken, and the motion was agreed to.

Mr. HEFLIN. Mr. Speaker, would it be in order to have one of the messengers on this side assist the Sergeant at Arms?

The SPEAKER pro tempore. The Chair would suggest that the Sergeant at Arms has authority under the rules to appoint his own deputies. The Chair is of the opinion that it would be irregular for anyone other than a regularly constituted deputy to serve a warrant, and that in the absence of a quorum no different provision can be made.

Mr. HUGHES of New Jersey. Mr. Speaker, I am thoroughly in sympathy with the object of the gentlemen who are trying to pass this bill. I have been continuously in the House since 11 o'clock this morning—

Mr. FINLEY. Stay with us.

Mr. HUGHES of New Jersey. And I propose to stay here as long as nature will permit me to stay. But a conscientious regard for my oath and the rights of the people that I represent compels me to call attention of the House to the fact that we have worked more than eight hours on this calendar day. [Laughter.] Of course I want to proceed in a proper and orderly manner.

Mr. FINLEY. You are paid by the hour.

Mr. HUGHES of New Jersey. I am not paid by the hour. The gentleman is mistaken. But even if I were paid by the hour I would be entitled to double pay for overtime.

Mr. Speaker, I want to submit one or two observations on this situation existing in the House now. It has been almost impossible for me to realize how it was necessary for the North to send so many men into the South to fight the many battles of the Civil War, which have been so graphically described here to-night, in view of the fact that there were so many loyal citizens in the South.

Mr. HELM. It took five of them to lick one of us; that is the reason.

Mr. HUGHES of New Jersey. What a peculiar situation it is to think that these northern and western gentlemen stand here hour after hour and day after day to prevent the loyal southern people from getting the money that the Government owes them, while on the other hand the southern gentlemen are so anxious to get the loyal Union men the money that the Government owes them. I confess I am all confused on this proposition. I can not tell by listening to a gentleman's speech whether he comes from the North or from the South. But one thing has been demonstrated by this filibuster that has been conducted by the gentleman from Illinois [Mr. MANN], who seems to be absent from the floor at this particular moment, and that is that sectionalism has entirely disappeared, especially when it comes to a matter of passing a bill, which is sometimes termed a "pork bill," in the House. All this is by the way.

My object in rising was to inform the Chair that as a conscientious Member of Congress I desire to enter my protest against working eight hours in any one calendar day.

Mr. FINLEY. Mr. Speaker, I desire to offer a few observations, which are to this effect, that so far as I am concerned and know and have looked into the bills that affect the State of South Carolina, I believe the Government ought to pay for the use and occupation of churches and colleges, and so on.

Now, as to the question of any South Carolinian coming to Congress, one who lived in the State from 1861 to 1865 and pleading that he was a citizen of South Carolina at that time

and was loyal to the Union in fact, I do not believe one word of it. I know, and the records of the War Department show, that in the State of South Carolina there was not a single white regiment, there was not a single white company, there was not a platoon of white South Carolinians who served in the Union Army. South Carolina was then united. Those who were Union men when the State seceded were loyal to South Carolina and followed the fortunes of the Confederacy.

Mr. CARLIN. Will the gentleman from South Carolina yield to me for a moment?

Mr. FINLEY. Yes.

Mr. CARLIN. Mr. Speaker, I wish to make an inquiry, in order to ascertain the parliamentary status. I understand that no motion can be made now, unless it be a motion to adjourn, until 193 Members be present.

Mr. FINLEY. Mr. Speaker, when I stand here and advocate the claims that have been reported by the Court of Claims to Congress for South Carolina, I do not claim that the white people of South Carolina were loyal to the Union from 1861 to 1865. If I should do so, I would belie the truth of history. It is not true. They then stood together united for South Carolina and the Confederacy. They stand together united to-day for the Union. The war is over.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

Mr. FINLEY. The people of South Carolina stand for the Union to-day, but in doing so we do not apologize for the past history of the State.

Mr. CARLIN. Mr. Speaker, I did not desire to take the gentleman from South Carolina [Mr. FINLEY] off the floor, and therefore I asked him to yield to me for a moment in order to enable me to propound a parliamentary inquiry. As I understand, under the present status no motion can be entertained by the Speaker unless it be a motion to adjourn until a quorum of 193 Members are present. Is that correct?

The SPEAKER pro tempore. That is substantially correct.

Mr. CARLIN. What does the Speaker mean by "substantially?"

The SPEAKER pro tempore. There are possibly some other matters that might be in order, as, for instance, to excuse Members, or something of that kind.

Mr. HUGHES of New Jersey. Mr. Speaker, I suggest that there is no other order in which the gentleman could be interested. [Laughter.]

Mr. CARLIN. Mr. Speaker, I wanted to make this interruption, not to take the gentleman from South Carolina off his feet, but to let the gentleman understand that we may not practically retire from here until 193 Members appear. We must be here in order to vote down a motion to adjourn.

Mr. HUGHES of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from New Jersey moves that the House do now adjourn. All in favor of that motion will say "aye;" those opposed will say "no." The noes seem to have it; the noes have it, and the motion is rejected.

Mr. FINLEY. Mr. Speaker, what I have said is said in the best of spirit. South Carolina is the only State in the Union that did not furnish white troops to the Union Army in the war between the States. When the war was over the people of South Carolina accepted the results of the war in good faith. We stand by that acceptance to-day. Therefore I desire everybody to understand that we do not stand here to-day and advocate anything on the part of the people of South Carolina that involves their coming here and swearing that they were loyal to the Union in the period from 1861 to 1865. I hope I have made myself plain and understood.

Mr. SIMS. Let me make a statement to the gentleman from South Carolina [Mr. FINLEY], that churches and lodges and colleges were not disloyal.

Mr. FINLEY. Allow me to state to the gentleman from Tennessee [Mr. SIMS] that no college or church can be disloyal under the law.

Mr. SIMS. That is what I say.

Mr. FINLEY. Yes; that is right.

Mr. HUGHES of New Jersey. The gentleman says that the reason why they were not disloyal was because they could not be disloyal.

Mr. FINLEY. The reason is that they would not be because they could not.

Mr. RANDELL of Texas. The people of South Carolina considered that they owed their allegiance to the State of South Carolina, and they were true to their principles as they entertained them. They were true to their government and true to their State. They were the best people in the country.

Mr. MARTIN of Colorado. Mr. Speaker, it is very evident that any speeches uttered at this hour would be fragrance wasted



on the desert air. But I wish to say, first, that I think I have responded on every roll call that has been made since 10 o'clock Friday morning, and it is now 6 o'clock Sunday morning. But I want to say further that the gentleman who has just taken his seat, the gentleman from South Carolina [Mr. FINLEY], has struck a responsive chord in my heart and has awakened into expression the dominant thought that has been in my mind ever since this bill has been under discussion; and I want to say now that, as the son of a Union soldier and as the son-in-law of a Union soldier—and I do not think many Members in this House, either Democrats or Republicans, can claim that pedigree—it has made me heartsick to hear these loyal, brave, patriotic sons of the South compelled to stand here on this floor to protest the loyalty of the claimants who have interests in this omnibus war-claims bill. [Applause.] And I want to say to you men of the South that as a man with that pedigree you do not need to protest to me your loyalty or the loyalty of the claimants who have an interest in this bill. Great God, will the Civil War never be concluded! [Applause.]

I take some pride in the fact that my father quit fighting the Civil War when he got his discharge from the Union Army, and I take still further pride in the fact that my father-in-law quit fighting the Civil War at the same time. It may be somewhat due to the fact that they have both voted the Democratic ticket, not only while they were carrying a gun for Uncle Sam in the Union Army, but ever since. [Applause on the Democratic side.] Perhaps my liberality is owing somewhat to that circumstance. But I say to you in all seriousness that it is beneath the dignity of the loyal, patriotic Representatives of the great South that they should have to stand here before the majority of this House and assert their loyalty and the loyalty of their people to the flag of their country. [Applause.]

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. HUGHES of New Jersey. Does not the gentleman know that they could not get any of this money if they did not do so?

Mr. MARTIN of Colorado. Mr. Speaker, I want to say in answer to the question of the gentleman from New Jersey that I bring no such accusation, I bring no such impeachment against the intelligence and broad-mindedness of the gentlemen of the majority in this House, when the Court of Claims has made the necessary findings of loyalty in every one of these claims; and for any gentleman to arise on the majority side of this House and impeach or question the loyalty of southern Representatives or these claimants, is demagoguery pure and simple. [Applause.]

Mr. HUGHES of New Jersey. The gentleman will notice that I arose on the majority side when I made that statement.

Mr. MARTIN of Colorado. The gentleman from New Jersey has simply strayed from the reservation temporarily.

Mr. HUGHES of New Jersey. I do not often do it.

Mr. MARTIN of Colorado. His body may be over on that side of the aisle, but his heart is on this side.

Mr. HUGHES of New Jersey. There is no doubt about that.

Mr. MARTIN of Colorado. Now, Mr. Speaker, I have no particular interest in this bill. I have been accorded such treatment by the War Claims Committee that I would be justified in going home and going to bed and letting this bill go to pot.

If I had a doubtful claim in this bill, one which needed to be proclaimed to a full House and a packed gallery, I would not be presenting it under these conditions and at this hour in the morning. I have no claim in this bill, but I have a sincere conviction in my heart that I ought to have a claim in it, a claim that is just as meritorious and valid as any claim in it, and a claim the owner of which need not have his loyalty attested in this Congress by his Representative, but a man whose loyalty is attested by the fact that he carried a gun on his shoulder during the Civil War and has an honorable discharge from the Union Army.

I have sat here since yesterday morning with the thought in my mind of that one little item that I might have gotten in this omnibus bill for a poor devil of an old Union soldier, to the amount of \$675, while he lost everything, a fortune of over \$200,000, while he had a gun on his shoulder in the service of his country. He lost a fortune of over \$200,000 while rendering that service, and his claim was cut down by the Court of Claims to \$675, a measly, paltry sum like that; and yet when the Court of Claims, by its solemn findings, ascertained that the Federal troops had taken his property and used his stores and supplies to the amount of \$675, the Committee on War Claims threw it out because he could not show, forsooth, that he had begun to prosecute his claim just as soon as he laid down his gun. In other words, the poor devil was guilty of laches. He only began to collect his claim 10 or 12 years ago, and the Committee on War Claims found because he did not start out 20 or 30 or 40 years ago he ought not to be paid.

Now, Mr. Speaker, that raises this question: Are these claims to be settled upon their merits? Apparently not. Are they to be settled on their merits, or is the matter of settlement to be determined by the time the claim was instituted? That is the question that is presented. Is this man to be turned down now simply because he has not been hounding the Federal Government ever since the war closed?

Now, while it is true that this old Union soldier did neglect to commence hounding the Government for the payment of this just debt to him just as soon as the war ended, yet he will, in all human probability, never live to receive the payment of his debt from the Government, and no matter how long he may live, he will probably die unpaid and leave beneficiaries and descendants, and it is on that ground that I am pressing the merits of the claim. It would be presumptuous to press it for him.

However, all my efforts along this line have not been wasted; the experience that a man has in attempting to get consideration of one of these claims—and especially if he is just a freshman, as I am—is worth something to him in the future.

But I want to exhibit here the frank, trusting manner in which I thought a meritorious claim of an old Union soldier could get consideration by the Committee on War Claims. In the first place, Mr. Speaker, this claim of Jesse W. Coleman was introduced in the House of Representatives, first session of the Fifty-ninth Congress, the Court of Claims finding being Document No. 302. I do not doubt that when the Congressman who first introduced this bill sent it to the old soldier with this printed report, with that heading, it looked very official. It looked very official indeed, Mr. Speaker, to see those potent words—

Fifty-ninth Congress, first session, House of Representatives, Document No. 302. Jesse W. Coleman. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed with the court in the case of Jesse W. Coleman against the United States. January 4, 1909—Referred to the Committee on War Claims and ordered to be printed.

Now, the old soldier when he got this report might not have been overwhelmed by the signature attached to it certifying to the favorable finding of facts filed by the court in the aforesaid case, which case had been referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act, and signed "John Randolph, assistant clerk Court of Claims."

If this old soldier had lived two generations ago and saw that signature attached to this document he might have had a sort of ready-money feeling, as that name is now only a matter of memory and history, but the name of the personage to which this report was directed would certainly cause hope to spring high in his bosom, for it is a no less name than that of the Hon. JOSEPH G. CANNON, Speaker of the House of Representatives. Now, gentlemen, I submit it is nothing short of cruelty to send a poor old Union soldier a printed document showing that the Court of Claims had made a finding in the matter in the sum of \$675 and that the Hon. JOSEPH G. CANNON, Speaker of the House, had been apprised of that momentous fact.

The findings were somewhat smaller than the claim, for, as the gentleman remarked here to-day, the allegations are usually somewhat larger than the findings.

This man alleged that while he was in the service of his country, while he was a duly enlisted soldier, the Federal troops took from him for their use stores and supplies valued at \$12,442.60. He also alleges that by reason of his service in the Union Army—and considering the great mining country in Colorado from which he comes, I have no reason to doubt the truth of his assertion—he lost mining claims of the value of \$203,500. This case was brought to a hearing on the 23d day of May, 1904. On the issue of loyalty it is unnecessary to say that a man who had an honorable discharge from the Union Army required no further proof as to his loyalty. He did not require, Mr. Speaker, the attestation of a southern Member of Congress to the fact that he was loyal to the cause of the Union. I think we can place that factor to one side as absolutely beyond dispute. Now, aside from that, it would only be necessary to establish a just and lawful loss for which this Government should be responsible and for which it should make payment. It appears that he had the claim looked after by one John F. Duffie, Esq., I presume an attorney at law here in the city of Washington, and it is only legitimate to presume he has been gathered to his fathers, since another attorney now appears. One generation of attorneys has been exhausted on this claim and the second generation of attorneys has taken it up. There has been a whole lot said here to-day about attorneys, and about claims attorneys, in a slighting way that in my judgment ought not to have very much weight with a body of lawyers. God knows it will have no weight with me,

since I have seen the poor, pale-faced, trembling old man who took this claim up where the other attorney laid it down and who has pressed it for years, day after day, hanging around the door in this lobby to see how these little claims were getting along that would absolutely die but for such as he. I do not feel, my friends, that his connection, or the connection of claims attorneys, with these cases prejudice me in the least against them. I think if the Members of this body would be absolutely honest about it, they would get up here and say that if it were not for the services of these claims attorneys they themselves would be absolutely overwhelmed with the work of getting these cases at issue and in shape for passage.

So the first generation of attorneys has passed off the scene and the second has come on. I do not wish to mention his name, and I would not want to hurt that old man's feelings by having his eyes fall upon the words that I say, but I think the indications are that he, like my constituent, the claimant in this bill, will be gathered to his fathers before the appropriation to pay this claim is available.

Now, wait a minute. I see that the gentleman from New Jersey [Mr. HUGHES] is getting restless, and I do not blame him. I want to say this, gentlemen, that if the time of the House was worth anything, that if there was the slightest possibility of any business being done, business that was worth anything—and I am not referring now to the worthless claims of Union soldiers against the Government, and I recognize, as do all other Members, that such claims are in the eyes of the Government absolutely worthless—I would not be occupying the floor and consuming the time of the House. I would give the time and the floor up to gentlemen who had actual business to discuss.

Mr. HUGHES of New Jersey. Well, this is a moot case?

Mr. MARTIN of Colorado. I want to say to the gentleman from New Jersey [Mr. HUGHES] that to everybody except the poor, doddering old man, now weighted down with age and poverty, looking for this little mite from the Government, this is apparently a moot case. This is certainly a moot case, so far as the Government is concerned. All just and legal claims against the Government of the United States appear to be moot claims. I trust the gentleman from New Jersey understands that. I think that there are a number of gentlemen in this House who will agree with me on that proposition.

Mr. FINLEY. I do.

Mr. BEALL of Texas. I agree with the gentleman.

Mr. MARTIN of Colorado. I thank the gentleman from Texas and the gentleman from South Carolina. We are almost a majority of those here present at this time. The Court of Claims says that, after considering the arguments and briefs of counsel on each side, the claimant in 1864 was engaged in farming a tract of land. The land is located about 12 miles from Pueblo, in the then Territory of Colorado.

Now, the fact that this land is located within 12 miles of the town in which I have the honor to reside is not the all-important fact concerning it. It is not so much of a town perhaps as Paterson, N. J., yet, in a way, it is considerable of a town. Also, it is the home of a Member who represents a greater area by one-half in this Congress than the six New England States. [Laughter.]

We live in a country of magnificent distances, and I have no doubt that many of our friends in the East, and particularly a gentleman who lives in a little flyspeck on the map like the State of New Jersey, can hardly comprehend what it means when a Representative says that he represents in this body a district one and a half times as large as the six New England States.

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. MARTIN of Colorado. I will.

Mr. FINLEY. Has the gentleman heard how the State of New Jersey was formed? The story is that when the Lord created the world he had a little bit of material left over and he dumped it out of a wheelbarrow and thus formed the State of New Jersey. [Laughter.]

Mr. HUGHES of New Jersey. The gentleman does not expect me to resent his assertion, because he may believe we have a monopoly of sand in New Jersey. [Laughter.]

Mr. MARTIN of Colorado. The gentleman from New Jersey, as I observe, is always able to take care of himself. Mr. Speaker, it is not an important circumstance that the land on which this claim originated is located about 12 miles from my home town. That may be of interest to me, but the fact that the land was located in "the then Territory" of Colorado is the important fact, enabling the House to understand how long a time has elapsed since the origin of this claim. A man who was old enough to help preserve the Union in a war that ended 11 years before the Territory of Colorado became a State

is now, in the natural order of things, a pretty old man, and if this Congress were to pass this bill and were to attach it as an amendment to this omnibus bill and it should become a law—

Mr. RUCKER of Missouri. It ought to pass—

Mr. MARTIN of Colorado. It would be a pure gamble that the money in payment would arrive on the ground before the undertaker. [Laughter.] Probably it would be only an asset of his estate. If it is not passed now probably his children and grandchildren will be down here, through the medium of some poor, old, decrepit claims attorney like the man handling this claim, hounding future Congressmen as yet unborn with arguments for the payment of this claim.

Mr. HUGHES of New Jersey. Does not the gentleman think the fact that he has this claim has caused the old gentleman claimant to live longer than he otherwise would have lived?

Mr. MARTIN of Colorado. I can only say in reply to that question that if he had not lived longer than the ordinary mortal the claim would already be in the hands of his estate or his descendants.

Mr. HUGHES of New Jersey. It looks as though his participation in the war must have done him good.

Mr. MARTIN of Colorado. Without detracting from the merit of my constituent's claim, his participation in the war did "do him good." It "did him" for all that he had on earth, and he has been a poor man ever since. So that in the parlance of the day, if not in the meaning of the gentleman from New Jersey, his participation in the Civil War "did him good and plenty."

Now, I want to proceed with this Court of Claims finding, not that it is worth anything, because it is evident from proceedings in this body during the last 48 hours that it is not. It is evident that a boost from the Court of Claims is actually a knock; that after the court created by this Congress, a court with five capable judges, so reputable that I am informed that they are Republicans, and, gentlemen, that is the final word for repute at the present time in this Chamber—it is true that their high character is probably somewhat detracted from by the fact that they were formerly Members of Congress. I am informed that they all joined in this finding—it is very evident, as I say, that even these findings of facts, solemnly determined by the court created by this Congress to ascertain and determine these facts, have absolutely no influence in this House. When a Member upon the majority side can rise here and in a serious manner ask Members who have claims in this bill what justification or warrant or authority there is for the claim, it shows that the Court of Claims has no influence whatever in its findings. You might as well ask a citizen of the United States what a statute is doing on the statute books as to ask a Member of this House to rise in his place and justify the appearance of one of these item in this omnibus claims bill, which has been put there by a court of competent jurisdiction created by the Congress of the United States for that express purpose. Notwithstanding the fact that the findings of this court are not worth anything—in fact seem to be a detriment rather than a help, which is the inference I have gathered during the last 48 hours—I present the same finding in this case that is the basis of all the claims in this bill.

The findings further recite that, by reason of the terrorized condition of affairs and claimant's absence from home in the service, he failed to harvest and save any material part of his crop, and during that period there was taken from the claimant for the service stores and supplies, which at the time and place of taking were reasonably worth the sum of \$675. I presume that means \$1,675. That seems to have been about the basis upon which these claims were adjudicated. If they ascertain that at the lowest possible figures a man was entitled to \$1,000, they split the difference with him and cut it in two and award him \$500. No part of this sum has been paid.

Mr. Speaker, I recognize the fact that, so far as accomplishing anything for my constituent is concerned, I had just as well be home in bed, and so had these other gentlemen with claims in the bill. So I am going to conclude with the statement that, so far as I can discover from the reports, the claim was rejected on the ground that it does not appear from the evidence that the claim was ever presented to any department of the Government for payment until its presentation to Congress 11 years ago. So that with this condition of this claim it is beyond the help of a Member of Congress, who has got about all the trouble he can attend to without being a lawyer in the Court of Claims.

I called this claim up for consideration in the Committee on War Claims on January 11, 1910, and my letter was returned to me with this written statement:

Will be submitted to full committee. Think will go in omnibus bill, but committee will determine.



When the committee determined and how it determined, I do not know. When I called on the committee about this bill some weeks ago I was informed that it had been turned down by the committee some months ago. I thought that when a bill was turned down by a committee perhaps a Member would be notified. I did not know that a Member of Congress was expected to convert himself into a messenger boy to dance attendance on committee-room doors to find out when something would be done with his bill or what had been done with it. I do not mean to criticize these committees; I know how overworked they are. I can not help but feel this bill has not been considered in the committee.

There is one single circumstance against this bill and that is, as stated before, that it was not presented a long time ago. In other words, it had only been pending 11 years, whereas it ought to be mildewed with the age of 50 years, like a lot of these other claims, and then I can not see where it would be much better off.

Mr. Speaker, this bill has meant as much to me as many a Member's item in this omnibus bill has meant to him; and it means as much to my constituent as the item of any constituent of any other Member in this body.

It will be a matter of sincere regret to me to have this omnibus bill pass this House without this old man's claim in it, having met him, knowing him personally, and feeling sure, as I do, that before another omnibus bill ever passes the House of Representatives he will have answered to taps, "lights out." [Applause.]

Mr. AUSTIN. Mr. Speaker, I desire to submit a request for unanimous consent, if it is in order.

The SPEAKER pro tempore. The Chair regrets to state that in the absence of a quorum it is impossible to do any business, even for the Chair to submit a request for unanimous consent.

Mr. AUSTIN. Mr. Speaker, if you will not interrupt me I will state it. The House about three weeks ago fixed the 19th of this month for memorial exercises to the memory of the death of my late colleague, the Hon. WALTER P. BROWNLOW. His family, his wife and children, have traveled over 500 miles and have been in this city a week awaiting this occasion. I think we ought, under the circumstances, to make some agreement or arrangement here to-day by which we can honor the dead and respect the memory of our late colleague who served so long and so faithful in this House. Those who are opposed to this bill can not adjourn this House, for they are in the minority. You can keep us here away from our families and away from our meals; now let us agree to come back here at 11.50 o'clock and then pay that tribute of respect to the dead, and after that loving though sorrowful work is over let us take up this fight where we have left it. Is there any man here opposed to this request? If so, let me look upon him.

Mr. LAW. Mr. Speaker, I am not opposed in the least to the request of the gentleman, but to take a recess after the hour fixed for the regular meeting of the session at 12 o'clock might disturb the legislative day.

Mr. AUSTIN. We will come back and arrange that at 11.30 o'clock, when we get here.

Mr. LAW. I am afraid you would do a dangerous thing.

Mr. THOMAS of North Carolina. Mr. Speaker—

The SPEAKER pro tempore (Mr. STAFFORD). For what purpose does the gentleman rise?

Mr. THOMAS of North Carolina. The gentleman from Tennessee has made a request for unanimous consent that the House take a recess until 11.50. I will say that my understanding of the ruling of the House is that pending the absence of a quorum no business is in order except a motion to adjourn.

The SPEAKER pro tempore. The previous occupant of the chair stated that no business should be transacted during the absence of a quorum.

Mr. AUSTIN. But if it can be by unanimous consent.

The SPEAKER pro tempore. The present occupant of the chair holds that no business can be considered except a motion to adjourn, and the Chair declines to entertain any other motion.

Mr. THOMAS of North Carolina. Let me say, in this connection, inasmuch as we all desire later on to come to some arrangement by means of which we can pay fitting tribute of respect to our deceased colleague Mr. BROWNLOW, there is no disposition, I think, to do otherwise, but it is impossible under the rules of the House to do anything at all in the absence of a quorum except to adjourn.

The SPEAKER pro tempore. The Chair can only entertain a motion to adjourn in the absence of a quorum. The roll call shows there is no quorum present, and we are now awaiting the presence of a quorum under the order of the House.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Chair announced the yeas seemed to have it.

Mr. BENNET of New York. Mr. Speaker, a division.

The House divided, and there were—yeas 4, yeas 31.

So the motion was rejected.

Mr. HUGHES of New Jersey. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HUGHES of New Jersey. I would like to know if the Speaker has had any report from the Sergeant at Arms, who was instructed to bring in absent Members.

The SPEAKER pro tempore. The present occupant of the chair has only taken the chair within the last 10 minutes, and wishes to inform the gentleman from New Jersey that the Journal clerk has informed the Chair that the order of the House that was entered, requiring the Sergeant at Arms to present absent Members, is now in process of execution on a resolution offered by the gentleman from Alabama [Mr. HEFLIN].

Mr. MARTIN of Colorado. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MARTIN of Colorado. I rise for the purpose of asking unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The Chair could not entertain such motion while the record shows that there is not a quorum present.

Mr. KENDALL. That is no motion, Mr. Speaker; that is a request.

Mr. MARTIN of Colorado. I assure you, Mr. Speaker, that it is not so much a desire to extend my remarks in the RECORD that I made the request as to show the gentlemen here present that I have not exhausted the merits of my case.

Mr. HULL of Tennessee. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HULL of Tennessee. I rise to inquire whether the Sergeant at Arms is making any effort to enforce the attendance of absent Members.

The SPEAKER pro tempore. The Chair stated to the House within a few minutes, possibly during the absence of the gentleman from Tennessee, that, as the Chair was informed, the Sergeant at Arms is making diligent efforts under the order was instructed to bring in absent Members.

Mr. COX of Indiana. Mr. Speaker, is there not some way that we can get a report from the Sergeant at Arms?

The SPEAKER pro tempore. The Chair is informed by the Clerk that the Sergeant at Arms is now executing the order of the House to bring in absent Members.

Mr. RANDELL of Texas. Mr. Speaker, it seems to me the Chair is not at all interested in getting a quorum here, because he is smiling at the proposition. I do not mean to reflect on the Speaker at all, but I would like to see a quorum here so that we might have some way to dispose of business and get something to eat. It is not a matter of fun with us at all.

The SPEAKER pro tempore. The Chair, in fairness, feels called upon to say that the present occupant of the chair has not been absent from the Chamber for the last 10 hours, and he has voted every time to try to maintain a quorum in the committee and in the House. It is not fair to the Chair to make any such remark.

Mr. RANDELL of Texas. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RANDELL of Texas. I will be satisfied—

The SPEAKER pro tempore. The Chair declines to recognize the gentleman except for a parliamentary question or a motion to adjourn.

Mr. RANDELL of Texas. I would like to get all influence the Speaker can give us to get a quorum here.

Mr. MANN. I am sure the gentleman has that influence with the Chair.

Mr. RANDELL of Texas. I have none in the world, on either the gentleman from Illinois [Mr. MANN] or the Speaker pro tempore, because, if I had, things would be run in much better shape than they are.

Mr. MANN. I assure the gentleman he has influence with me, and that I have the highest regard for him.

Mr. RANDELL of Texas. I am very glad to know that, and I hope the gentleman will go home and attend Sunday school, and try not to keep a whole lot of old men out of their just rights here.

Mr. MANN. I am trying to help them to get them.

Mr. SWASEY rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SWASEY. Mr. Speaker, I want to say that I am occupying the seat of the gentleman from Illinois [Mr. MANN], and I have a predisposition to discuss briefly the pulp and paper issue. [Laughter.] I think I am qualified.

I desire to say, Mr. Speaker, that we have had under discussion matters of great and far-reaching importance; that we have had what is termed a reciprocity agreement with the Dominion of Canada—a trade agreement.

Mr. BURNETT. Will the gentleman permit me to interrupt him?

Mr. SWASEY. Just wait a moment until I complete this important sentence. As I understand that trade agreement, it is favorable to Canada. They have got out of it all that they could possibly ask. They have got the privilege of coming into the American markets. Under it everything that I know of that they have to sell can come in free, and I would inquire of some of the earnest and enthusiastic advocates of that trade agreement, What have we got in return? I know Canada pretty well. I do not believe there is a man on the floor of this House who has a deeper feeling of affection and regard for the Dominion of Canada and its people than I have. But I do not live in Canada. I live under the American flag and am more interested in the welfare and prosperity of the American people than the people of any other Nation. I am in favor of annexation, but I am not in favor of giving to Canada the full benefits of the American markets for her farm products and her paper manufactures free of any duty, in competition with the products of American farmers and American paper manufacturers. I said I am in favor of annexation, sharing with the Canadians all the rights of American citizens, provided they shall share with us some of the burdens and responsibilities that attach to American citizenship. My uncle, who was born in the State of New Hampshire and went to Ottawa more than 30 years ago, sat for 25 years in the Dominion Parliament, and my cousin, a graduate of Harvard College, sits in the same seat to-day. And from my knowledge of that Dominion and my acquaintance with its people, I think I am qualified to state what their interests are as compared with the interests of the American people.

It is a painful duty to feel compelled to differ with our great President. I regret exceedingly that between him and me on any subject there should come a parting of the ways. Up to this time I have cheerfully and enthusiastically supported every administration measure, both of this and the former administration. But, Mr. Speaker, I have been a Republican all my life. I have made a study of tariff questions all my life. I knew something of this country prior to the Civil War. I was old enough to realize the significance and the result of the Democratic revision of 1857. I remember that downward revision, when they reduced the duties 14 per cent below those imposed in the tariff of 1846, and I remember as plainly as though it were but yesterday what that downward revision cost the American people under that Democratic administration. I recollect the paralysis of industries. I remember the want of employment, the seclusion of capital, and the universal distress that hung over this Nation until the close of the war; and the only virtue that I remember that came of that Democratic downward revision was its contribution in some slight degree to that providential act that saved the Nation—the election of our martyred, honored, and beloved President, Abraham Lincoln.

Mr. COLLIER. Will the gentleman yield?

Mr. SWASEY. I will.

Mr. COLLIER. I just want to ask the gentleman if it is not a fact that the only decade in the history of our Republic when our wealth increased over 50 per cent was from 1850 to 1860, under the Walker tariff?

Mr. SWASEY. That may be, because our people, under the tariff of 1846, with its incidental protection, which was not intended by the Democratic Party, saw a revival of the industries of this great country such as they never had seen before, and never will see again unless the same protection is afforded our labor and industries. But when your Democratic ancestors, with the same ideas, the same purposes, and the same legislation that you threaten in the next Congress, reduced the tariff of 1846, in 1857, giving a 14 per cent horizontal reduction, they struck a blow to American prosperity that we never recovered from until after the war had closed.

Mr. KORBLY. May I ask the gentleman a question?

Mr. SWASEY. I do not care to be interrupted now.

Mr. KORBLY. It is for my enlightenment.

Mr. SWASEY. I am not here to enlighten Democrats alone. You need it badly enough, but not as badly as you will two

years from now. Mr. Speaker, I rose to perform an important, though a painful, duty, to give expression to the thoughts in my mind upon this great question of a trade agreement with Canada. I wish to give the gentleman a little information upon this provision in the trade agreement about which they know so little.

I want to go back into the revision of 1857, and I want to say to you that when the tariff was revised by your ancestors in 1857, the question of labor was no factor in that revision; that they were pretending to take care of the infant industries, and were making the same arguments that you are making to-day for a revision of the tariff. But when the war had proceeded so far that it struck the shackles from the black man and dignified American labor, then the wages of the American workman began to rise under the policy of protection of the Republican Party. What were wages before the war? Wages were \$8 a month on the farm. Skilled labor 75 cents to \$1 per day, and when we enlisted we received \$8 per month.

Mr. CLINE. Do the people in Maine agree with you?

Mr. SWASEY. They do.

Mr. CLINE. How did it happen, then, that Maine went Democratic?

Mr. SWASEY. How did it happen? I am glad you ask, for I can tell you. Some Democratic rum got into Maine, and the rum question became the main issue. It was more of a rum slide than a political landslide. That was the principal cause of the turnover in Maine. Look at the returns and you will see that the Democratic governor was elected by almost 9,000 plurality and the Republican Congressmen were defeated by only 2,900. More than 5,000 votes in the State of Maine were polled for Republican Congressmen over what the Republican governor had. Two years ago our governor was elected by less than 7,000 votes. When we came to the November election and the question of protection to American industries and labor was the issue, we rolled up for William H. Taft 32,500 majority.

Mr. SHERLEY. But you passed the tariff law since then.

Mr. KITCHIN. Will the gentleman yield?

Mr. SWASEY. Mr. Speaker, let me tell you about the tariff. I want to speak about the tariff bill, if you gentlemen will listen. You began on "Cannonism," and that was the great cry for two years—"Cannonism! Cannonism!" The newspaper associations did not get the duty taken off of print paper, and they hallooed with you, "Cannonism!" and it went all over this country, "Cannonism!" What is "Cannonism?" Let any man explain to me what "Cannonism" is. Where did it originate, except in the muckraking press of the country, because the Speaker of this House would not consent to lend his aid in their assault on the paper industry?

I hold no brief for JOSEPH G. CANNON. He needs no defense at the hands of any Republican on this floor or in the country at large. [Applause.] The CONGRESSIONAL RECORD for 35 years and Hinds' Precedents are all the vindication that JOSEPH G. CANNON needs. I have sat here for almost two terms, and I have never heard a ruling from that chair by JOSEPH G. CANNON on any of the complicated questions presented to him that he has not fortified his position by citations from Hinds' Precedents, Democratic as well as Republican.

Mr. JOHNSON of South Carolina. The gentleman told us that he was going to give us some information about wood pulp. We know all about JOSEPH G. CANNON, as much as the gentleman does, but we do not know so much about pulp and paper.

Mr. GARNER of Texas. Will the gentleman tell us what President Taft thinks about wood pulp and print paper?

Mr. SWASEY. One moment; we have had many bright leaders from Maine in the American Congress. We have stood in either branch second to no State of its area and population since Maine was admitted to the Union. We have furnished two Speakers, James G. Blaine and Thomas B. Reed. [Applause.] We have had the Chief Justice of the Supreme Court; we have had the Vice President, the Acting President of the Senate; we have had the Secretary of State; and we have had numerous offices that were within the gift by election and appointment of the American people.

Mr. CANDLER. What have you left now?

Mr. SWASEY. We have not many of the old guard left. [Laughter.] But I will tell you what we have left. We have Mr. GUERNSEY and Mr. HINDS in this branch of Congress, and when that gentleman who has stood at the end of the desk with Mr. Reed and Mr. CANNON takes his place on the floor as a Representative from Maine I think you will realize that Maine is still on the map.

But more than that, we have sent from the rock-ribbed hills of old Maine thousands and thousands of men who have gone out into the great States of the West, the glorious States of



the West, each one of which is an empire of itself—men who have helped to make and mold the sentiment that has made the American Republic the admiration as well as the wonder of the world. [Applause.] And, thank God, some of them are sitting in this House and some of them are in the Senate of the United States, faithful Representatives, standpatters, regulars, if you please, who stand for what is right and refuse to yield at any time in the fight for the best things that a man can ask for.

Mr. CANDLER. What is the gentleman himself—a standpatter?

Mr. SWASEY. Mr. Speaker, I say I have been a Republican all my life. I am soon to go out from public service, possibly never to come in again. I voted for Abraham Lincoln, the first vote I ever cast. I never have failed to vote for every Republican candidate since, and I never want a higher compliment paid me when I leave Congress on the 4th day of March than to have my constituents, my colleagues, and the American people say that I am a standpatter. [Applause.] Why, is it a name of disgrace; is it a name that entitles its possessor to anathema and criticism?

Mr. Speaker, this country will never forget that from the time of the great crisis of the Nation in 1861, when I marched under that banner with only 31 stars, down to to-day, the standpatters have been the sheet anchors of every great, progressive movement, and every accomplishment, every triumph, and every victory in the field in war, and in the forum in peace, and that there has been no national legislation for 50 years of any value to the American people that has not been the work of the "standpatters" of the Republican Party.

Mr. CARLIN. Mr. Speaker, I move that the gentleman be given 20 minutes more for his peroration.

Mr. SWASEY. Mr. Speaker, I have not come to my peroration yet. I know that this part of American history is not pleasing to you Democrats, but I have just been teaching you the alphabet of real republicanism, of standpatism, if you please, which has been the source of our marvelous national prosperity. Why, do you not remember—I do—every fourth year since the close of the war what you fellows have done or tried to do; and on every field of conflict you have met the standpatters. I can look down the line. I am older than the Republican Party. I am older than the protective policy.

Mr. BOEHNE. Not older than the Democratic Party?

Mr. SWASEY. No; for God's sake! [Laughter.] There has never been a time since Adam when sin and sorrow was not.

Mr. Speaker, I can remember all of the issues that the Democratic Party have raised in this country for 50 years. I recollect when you created a hysteria among the American people on flat money, on greenbackism, on 16 to 1, and on various other issues that set some of the people wild; and the standpatters stood firm and unchangeable, and we have gone on to victory, and we are coming back. If you gentlemen in the Sixty-second Congress will go on revising the tariff as you did in 1857, downward, as you did in 1893, downward, I want you to understand that in two years from now the American people, by reason of the unemployed that will be walking our streets, the paralysis of all our industries, the hiding of American capital, the destitution and want of the American laborers, will revise you downward in 1912. [Applause on the Republican side.]

Mr. RUCKER of Colorado. Are you going to do it with a tariff?

Mr. STANLEY. Mr. Speaker, I do not want to interrupt the gentleman's obituary on standpatters, but what kind of a standpatter is he—a Dalzell standpatter or a Boutell standpatter?

Mr. SWASEY. Mr. Speaker, there is no distinction between standpatters. We are for the flag, we are for protection, we are for the best interests of the whole Nation and the whole people. We do not need hitching nor need any time to apologize for our attitude upon any of the great problems of the day in the great onward march of our people and our country. We are for aid to our merchant marine, we are for an enforcement of a constitutional amendment that will take 35 Members out of that side of this House if all men, American citizens under the flag, are permitted to exercise the right of franchise. [Applause on the Republican side.] We are for everything that goes to the glory and the uplift and the upbuilding of American institutions and prosperity. That is what we are for.

Mr. WEISSE. You are for a 50-cent dollar for coining your silver. You buy 50 cents worth of silver and pay a dollar's debt with it.

Mr. SWASEY. We make every dollar of our money, silver, paper, and everything else, as good as gold, in spite of the Democratic Party. We have always held faith with the people, but sometimes enough of them have been deceived by the muck-

raking press and the demagogues, as in the last election, to give your party a temporary victory.

Now, let me say to you, gentlemen on that side of the House, if you will give me your attention and not interrupt me, I will give you some information on the subjects embraced in the so-called trade agreement and the special and particular reasons why I am opposed to it. As I have said, I am a Republican and a protectionist, not for local or sectional protection, but for national protection, for the protection of every laborer and every industry needing protection, not only in Maine, but everywhere in this Nation, on this continent, wherever our flag floats. I am not a believer in that old obsolete Democratic notion of free raw material. I know no raw material that is known as an article of commerce.

A tree standing in the forest may be raw material; but when the axman severs it from the soil and cuts it into logs it becomes his finished product, and for the labor expended upon it he is entitled to protection. Coal and iron and other minerals slumbering in their beds in the bowels of the earth may be raw materials; but when the miner takes his dinner pail in his hand, with the lamp upon the vizard of his cap, and goes down the shaft, endangering his life at every step, and mines the coal and other minerals, expends labor upon those ores, the protective policy as advocated by the Republican Party follows him in his arduous and dangerous toil as a laborer. And when the product of that labor is brought to the surface of the earth and becomes an article of commerce it is the finished product of the miner and entitled to protection. And so with every man who eats his bread in the sweat of an honest brow, wherever he is and whatever his employment, he is entitled to share in the benefits of a protective policy that will maintain the scale of American wages. I delight in high wages. I glory in the fact that here beneath the American flag it is possible to pay to the honest toiler a greater wage than anywhere else in the wide world, for I believe that high wages conduce to the prosperity and contentment of the American laborer, resulting in a better and higher condition of citizenship, which can be attained in no other way. I believe in high wages for another reason—that they give to the wage earners of this country that to which they are entitled, a larger share of the profits of our industrial life, a more equal distribution of our Nation's income. I believe in good living, without regard to cost, for the wage earners of the country, and I want wages to be sufficiently high to warrant the best living and a sufficient margin above that to assure the wage earner's independence, for in the last analysis of the policy of protection the wage earners and the producers are the real beneficiaries of that great policy which has brought such prosperity, growth, and development to the American people.

I do not believe in this trade agreement, because it is an innovation upon the policy of protection. I am sensitively jealous of anything in the way of legislation that will jeopardize in the slightest degree that fundamental policy which protects the American laborer and the American producer and gives him that to which he is above all others entitled, the benefits of the American market, the best market in the world.

I am opposed to it for another reason—that it is class legislation, putting American products of the farm upon the free list and giving Canada the right to enter the American market free, in competition with the American farmer. The Congress of the United States by its wise and progressive legislation for the last decade has been making most strenuous efforts to increase the products of the farm, to carry contentment to that class of American citizens who are among the best, the bone and sinew of the American people. We have appropriated nearly \$14,000,000 per year for agricultural schools, for the publication of scientific works for the benefit of the American farmer in order that he may better understand the tilling of the soil to produce the best results. We have spent many millions of dollars for the irrigation of arid lands. We publish farmers' bulletins, agricultural yearbooks, we make generous appropriations for the extermination of insects and other pests which threaten and injure crops of every kind in every part of our country. We have appropriated more than \$40,000,000 annually for the last two years to extend our free rural delivery system to carry the mail to the door of the American farmer in the hope and expectation that all these wise and beneficent provisions would increase the number of the tillers of our soil as well as provide those conveniences suited to a higher condition of American living and bring contentment to the fireside of our farmers in rural communities. And it is only fair to say, looking over the broad agricultural territory of our great country and the improvements of our country life, that it is a source of pride and satisfaction to witness the wonderful improvements, the increasing acreage, the larger and more bountiful

crops which have resulted therefrom. The farmers, the agriculturists, are our dependence. The products of the soil we must have. And I am unwilling to take any step or vote for any project that will in any degree threaten and, much more, seriously injure that great and growing industry. But those who favor this trade agreement who assume to know present a paradoxical proposition, first that it will not hurt the farmers, and secondly that it will reduce the cost of living. Both of these can not be true. It will either hurt the farmer by reducing the cost of food products or it can not have any effect upon the cost of living. And if it has no effect to reduce the cost of living, what possible benefit can result therefrom? Now, let us briefly look at the situation between the two countries, the United States and Canada.

Our great President says it is but an imaginary line across the North American Continent from ocean to ocean; that we are one people, speaking the same language and have the same interests. I think I know something of the conditions on either side of the Canadian line east of the Grand Trunk Railroad to the mouth of the St. John River, and I have to say that any person only needs to travel over the line, imaginary as it may be, into Canada and he will realize at once, before he has gone any distance in any Province, that he is in a different country. When you leave American soil anywhere along this imaginary line you leave the more marked evidences of culture, refinement, and prosperity. You leave the well-kept farms along our border, with painted buildings, showing the marks of enterprise and successful farming, to find on the other side the unsatisfactory, languishing condition of the French Canadian, and such a vast contrast that one can not fail to appreciate the difference between the two countries. It may be, and no doubt is, true that in the larger towns and cities that are easily accessible by railroads and other means of transportation from our side that they have become largely Americanized and more like the people of New England towns and cities. And I want to say further in this immediate connection that along the border which I have described that whatever of prosperity is indicated on the Canadian side is largely attributable, in my judgment, to the fact that thousands of the people, the wage earners of eastern Canada, have come over the line to labor and have received the benefits of the American wage scale. Many of them have remained and are reckoned as among our best citizens, but many others have returned to their homes along the border with a pocketful of American money to improve their condition. In this way we have done very much, as suggested by the President, in humanitarianism, by giving the privilege of migrating across the line and having the benefit of the American wage. Now, the American farmer, with higher-priced land, larger investments in all that pertains to agricultural pursuits, with higher wages for farm labor, as ascertained from the reports of the Department of Commerce and Labor, of more than 25 per cent, with all the obligations of American citizens, taxed to support and maintain our varied institutions, educational and governmental, liable to do military duty under the flag in time of national stress, is entitled to the protective policy of the Republican Party, and has the first right to the benefits of the American market, certainly in preference to those who bear no such burdens, pay no such taxes, and incur no such obligations.

Now, Mr. Speaker, supposing that this trade agreement and the removal of the duty on farm products from Canada should result in reducing the price of farm products to the ultimate consumer, I want to inquire of any gentleman who advocates this policy by what right, on what ground of justice, equality, and fair treatment, shall we take from the American farmer by legislation any part of the profit of his hard earnings by days of toil from sun to sun and give that profit to the ultimate consumer, giving the farmer nothing in return by way of reduction of duties upon the things he has to buy? I do not blame the West for the evident attitude which they take toward other sections of the country, like New England, on account of the unjust distribution of the benefits of protection, but I want to say to you gentlemen on the floor of this House who represent the great agricultural States of the West that the Republicans of the East will never willingly do you such injustice. We stand with you and for you in the application of this fundamental doctrine of the Republican Party and for the equal distribution of its great benefits.

Now, Mr. Speaker, I want to call the attention of the House to another very important feature of this trade agreement, and that is the pulp and paper clause. And I desire to begin at the beginning of this groundless and pernicious controversy between the American Press or Publishers' Association and the pulp and paper manufacturers.

From the time that ground wood pulp was first invented and successfully made down to 1908, there had been no adverse legislation, no disturbance of the manufacturers of pulp and paper.

The price in 20 years of printing paper had dropped from \$100 per ton to less than \$40, and the American Publishers' Association and all purchasers of printing paper were buying their supplies at a less price than any other nation in the world, save free-trade England, and there was a difference in price of only a few cents per ton between England and the United States.

Under the Gorman and Wilson bill, before there was any competition between Canada or the Scandinavian Peninsula or any other country and the United States, printing paper was made dutiable at 15 per cent. In the revision and enactment of the Dingley bill, printing paper was put upon the dutiable list at \$6 per ton, and from that time to the spring of 1908 there had been no controversy between the United States and any other country or between the manufacturers and the publishers in this country. During the first session of the Sixtieth Congress John Norris and Herman Ridder, free-trade Democrats, so called, claiming to represent the American Publishers' Association, complained to President Roosevelt that there was a printing-paper trust. He sent a message to Congress asking Congress to put pulp and paper on the free list, if it were true that there was a trust or a combination in restraint of trade. Congress refused to take off the duty, but appointed a commission known as the Mann Commission to investigate and ascertain if there was a trust, which commission reported that there was no trust or combination in restraint of trade. This arrangement did not satisfy the gentlemen who represented the association, and I understand it was no secret that one of them interviewed the Speaker of the House, desiring that he should favor a removal of the duty. This the Speaker refused to do, and when the gentleman left the Speaker's room he was overheard to say that he would, in substance, make a relentless attack upon Mr. CANNON. That was the beginning of the controversy that has been followed by all the papers and magazines that could be induced or persuaded to join the muckrakers. And the Members of Congress as well as the country at large know the extent and virulence of the attack upon the administration and upon every Republican who stood by the President and the tariff bill last enacted. In all the history of American politics there was never so wicked and unjust and deceptive misrepresentation as in the last campaign, brought about absolutely by the American press.

Now, let us see what real cause there was for any attack upon the paper manufacturers or for any reduction of the duty on pulp and paper under the Republican platform. During the last decade the cost of wood to supply American mills had increased 100 per cent, the price of labor in American mills had increased 66 per cent, and yet the industry had grown to be one of the most important in the United States. Nearly 800 mills, with an invested capital of nearly \$400,000,000 and employing, directly and indirectly, 500,000 men, had been built up and established in 20 States of the Union, with sufficient material to supply the mills indefinitely, notwithstanding the mistaken report of the Mann Commission that we were absolutely dependent upon Canada for our spruce. These mills were built in different States, as I say; the industry was developing from Maine to Texas, and along the Canadian border from Maine to the Pacific coast, as well as in the Middle West. I repeat that there was no want of raw material, for every species of wood grown on American soil which had a fiber could be converted into pulp. Seventeen different kinds of wood were suitable for the manufacture, and when we consider that only 51 per cent of the territory of the United States is improved land and 49 per cent is unimproved, the most of which is covered by trees of various kinds, in the South as well as in the North, there was no cause for alarm that the industry would ever die out for want of material; but with proper care and protection from foreign competition it might extend until it was found in every State of the Union. It is true, in my opinion, that there is five times as much timber in the United States suited to the manufacture of pulp and paper as in the Dominion of Canada. Maine alone has 10,000,000 acres of forest growth, mostly spruce, its wooded territory being greater than all the rest of New England. And all along the northern States, including Alaska, there are more than 150,000,000,000 feet of spruce alone, and all the drain we have made upon Canada for use in Maine mills, which has amounted to only 15 per cent in any one year to supply more than 40 mills, has been not because we did not have the timber, but for the purposes of conservation of our own forest products. Here, again, comes in the question of protection to the American farmer who furnishes for the pulp and paper mills in our State (and I doubt not in every other State) a valueless product for any other use, such as poplar, fir, hemlock, spruce, sapling pine, basswood, chestnut, and 10 or 12 other kinds of wood from their own wood lots, from which they derive a large amount of revenue. Another great source of benefit in the interest of conserving our natural re-



sources is in the improvement of our water powers, where, as in Maine, more than 50 per cent of all improvements of water power has been brought about by the erection of pulp and paper mills in the last 20 years.

Now, to diverge for a moment, I wish to note the cost to manufacture in this country, as compared with the cost in Canada, to show under the Republican platform what duty this industry is entitled to for adequate protection. The cost of wood in 42 mills in the United States that I have examined delivered at the mill, is \$10.32; the cost of wood delivered at 15 Canadian mills is \$5.21; so that the difference in cost of wood per cord between mills in Canada and the United States is \$5.11. It takes a cord and a half of wood on the average to make a ton of print paper, so that the difference in the cost of wood between the two countries for a ton of paper is \$7.66, and the difference in the cost of labor on account of the difference in wages would be \$2 more in the American mill on every ton of paper. Therefore it is plain to be seen that a duty based upon the difference in the cost of production between the United States and Canada would be \$9.66. The present duty under the Payne bill is \$3.75 if manufactured from wood cut on so-called free or private lands, so that it is plainly evident that from the duty imposed there is no cause of complaint on the part of the Publishers' Association upon this particular product. Now, what does this trade agreement attempt to do? It remits all duties, not only upon printing paper, which is selling to-day at the American mill for \$45 per ton, but the duty on paper worth \$80 per ton, said duty being \$10 per ton, giving the Canadian paper manufacturer who owns the land upon which he cuts his timber or where he buys the timber on private lands the right to come into the American market free of duty and compete with the American manufacturer. How long can the American manufacturer, if the foregoing statement is true, continue in the business, except by reducing the price of the wood or reducing the price of labor in American mills?

If this trade agreement be enacted into law as it now stands, one of the two conditions must necessarily follow. He must reduce the cost of material and wages or go out of business. Now, one thing more, the duty upon American-made pulp or paper going from the United States to Canada, which is from 15 to 25 per cent, is not affected by this agreement, nor is the export charge removed from saw logs, so that it is possible, under the Canadian law, to import the logs, but they must be manufactured on Canadian soil, and the agreement provides that rough lumber shall be admitted from Canada free of duty. This is the unfortunate situation in which we shall find ourselves in case this so-called reciprocity agreement is enacted into law. Then, I ask you, Mr. Speaker, if we are not opening the American market, as I have before said, free, and without cost or duty to everything that Canada has to sell, and we are getting nothing in return for our great concessions?

Again, Mr. Speaker, let me say, looking back over the last two years and more of our National Congress and the general field of American politics, and seeing the injustice that has been done the administration of our great and loyal President and the members of the party sustaining him in Congress, I can not desist from expressing my indignation over the unjust treatment, the criticism, the abuse which we have all received from the muckraking American press, resulting as it has in the wide feeling of unrest and disturbance among the American people so that the Democratic Party has succeeded in returning to this House a majority of Members for the incoming Congress. I do not regard this so-called landslide as the November birthday of great statesmen, but, rather, the inning of demagogues. I would not say that good and able men have not been elected to take some of the places made vacant by Republican Members, but I will say that, in some instances at least, the change will not be beneficial to the interests of the American people nor add glory to the American Congress.

And, gentlemen on the other side, do not flatter yourselves that the result was brought about by confidence in the Democratic Party. The condition of the country shows that. The increasing number of idle men, the standing still or marking time of our great industries, showing an increasing paralysis and apprehension in our industrial life, the timidity of capitalists, all are signs proving a want of confidence and a serious apprehension as to what you may do. In fact, you are much surprised to find yourselves in your present condition of responsibility and you have no confidence in yourselves to meet the situation, and your attitude upon all public questions confronting you, so far as the people are admitted to your confidence, shows conclusively that you approach the duties before you with fear and trembling. And well you may, if you follow your party traditions or your party platform in a revision of the tariff. Tariff for revenue only as a national policy has long

since been an outlawed, exploded theory. We are not living in the days of Jefferson, Jackson, and Monroe, but are living in a new age, surrounded by new conditions with a wider and broader civilization. In the last quarter of a century we have helped to change the map of the world. By steam and electricity we have come in close touch with every civilized nation. By a single touch of the electric button we can feel the industrial and financial pulse of every civilized people on the globe. We have not only become nearer as States, but by reason of rapid intercommunication and transportation on sea as well as land, we are brought in near contact with our friends across the water, and in more direct and immediate competition with industrial efforts everywhere. Nations have grown and new nations have become our competitors in the markets of the world, and even in our own market. Cheaper labor and production are assailing us at all points by land and sea, and there never was a time in the history of this country when the protective policy should be watched with more solicitude and vigilance than to-day to guard the interests of the American producer and the American wage earner. There never was a time since that policy was inaugurated in the United States when duties upon articles produced or manufactured in the United States should receive higher protection because of the increase of wages and the better condition of American labor.

It would be well for you, gentlemen on the other side, to remember the admonition of your great Democratic leader, uttered more than a hundred years ago, that the four great pillars upon which the Republic rested, namely, agriculture, commerce, manufactures, and navigation, should be fostered and jealously protected. If you follow out the dictates of your platform, if you cover the high seas with the American flag floating from foreign-built ships, if by your policy contrary to that admonition you stifle the ship industry on our shores, drive out of business those men interested in that great industry, who have not only been patient, long-suffering, and kind, but patriotic, and let the grass grow in American shipyards, if you reduce the duties on competing products and manufactures, such goods as we can produce and manufacture at home, thus depriving the American producer and laborer of the work that rightfully belongs to him, you will bring about the unfortunate conditions that existed under the last Democratic administration. Great problems are confronting the American people, which must be solved before the people of this country can reach their highest estate. We must not forget that we are living under a Government of law; that we have a Constitution that has stood for 120 years and more, with its various amendments suited to the changing growth and development of our country. That Constitution and amendments must be enforced, and I say to you in all seriousness that the time must come when that fraud and fiction of counting men as American citizens and withholding from them the privileges of franchise must cease or their representation must be reduced. Never shall we as a nation come to our own in the truest sense until we treat all of our citizens with equal justice, North and South, East and West.

The SPEAKER pro tempore. The gentleman will suspend. The call discloses the presence of 194 Members—a quorum.

Mr. MANN. Mr. Speaker, I ask unanimous consent that if the House be in session at 12 o'clock on this legislative day that all other proceedings be temporarily suspended for the purpose of pronouncing eulogies on the late Congressman BROWNLOW and the late Senator CLAY, or if the Committee of the Whole House be in session it shall informally rise in order that these eulogies may be pronounced in the House, after which the House shall resume its sitting without further order, and that the ordinary appropriate resolutions, not including the motion to adjourn, may be offered and agreed to, and that the time occupied in these proceedings shall not exceed—I do not know how much time will be required—say, not to exceed three hours.

Mr. CARLIN. What is the request?

Mr. MANN. That the proceedings under these eulogies shall not exceed three hours.

Mr. CARLIN. I will agree, if we can limit the time for general debate upon the bill we are now considering.

Mr. MANN. We can not do that. If we go into the Committee of the Whole, you can do that.

Mr. CARLIN. We are going in now.

Mr. MANN. This is preliminary to such a motion.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Illinois that, under the circumstances, the term "12 o'clock on this legislative day" may be a little indefinite.

Mr. MANN. If the House should be in session at 12 o'clock to-day noon on this legislative day. I do not wish to offer the proposition if, perchance, the House should adjourn before

12 o'clock. We are endeavoring not to interfere with the special order. Still, I do not think it possible.

The SPEAKER pro tempore. Is there objection to the request preferred by the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the Chair announced that the yeas appeared to have it.

On a division (demanded by Mr. BENNET of New York) there were—ayes 24, noes 73.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HAY. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER pro tempore. As a quorum has just been ascertained in the past few minutes, the Chair sustains that point of order.

Mr. LAW. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 32767, on the Private Calendar, and, pending that motion, I move that general debate on the bill be limited to 35 minutes.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32767.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CARLIN. Have we dispensed with proceedings under the call? Has a motion been made to that effect?

The SPEAKER pro tempore. It has not.

Mr. CARLIN. Then, Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from New York moves that general debate upon said bill be limited to 35 minutes.

The question was taken, and the Chair announced that the yeas appeared to have it.

Mr. BENNET of New York. Mr. Speaker, division.

The House divided, and there were—ayes 78, noes 3.

Mr. BENNET of New York. Mr. Speaker, I make a point of order that there is no quorum present.

Mr. HAY. And I make the point of order, Mr. Speaker, that that is dilatory.

Mr. CARLIN. Business has intervened.

Mr. HAY. But it has not been 10 minutes since the Chair announced a quorum.

The SPEAKER pro tempore. The Chair will on this occasion sustain the point of order, and the motion prevails.

The gentleman from New York [Mr. LAW] moves that the House resolve itself into Committee of the Whole House for the further consideration of the bill H. R. 32767.

Mr. CARLIN. Mr. Speaker, I want to ask the gentleman to limit the debate to less than 35 minutes.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. LAW].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BENNET of New York. Division, Mr. Speaker.

The House divided; and there were—ayes 80, noes 1.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that there is not a quorum present.

Mr. HAY. Mr. Speaker, I make the point of order that the motion is dilatory.

The SPEAKER pro tempore. The Chair will state that on three different votes a quorum has not been developed. The Chair, having twice sustained the motion as dilatory, feels that he must now overrule the point of order. The Chair will count. [After counting.] There are 132 gentlemen present—not a quorum.

Mr. BENNET of New York. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I make the point of order that the motion is dilatory.

Mr. BENNET of New York. It is a question of the highest privilege.

The SPEAKER pro tempore. The Chair overrules the point of order. The question is on the motion to adjourn.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BENNET of New York. Division, Mr. Speaker.

The House divided; and there were—ayes 14, noes 81.

So the motion to adjourn was rejected.

Mr. CARLIN. Mr. Speaker, I move a call of the House.

Mr. HAY. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The doors will be closed, and the Sergeant at Arms will bring in absent Members. Those in favor of the motion of the gentleman from New York [Mr. BENNET] will, as their names are called, answer "aye" and those opposed will answer "no," and the Clerk will call the roll.

Mr. ADAMSON. What is the question—that we adjourn or go into Committee of the Whole?

Mr. HAY. Mr. Speaker, the question is on the motion of the gentleman from New York [Mr. LAW] that we go into Committee of the Whole. The House refused to adjourn.

Mr. ADAMSON. What is the question?

Mr. SMITH of Iowa. Mr. Speaker, on a motion to adjourn, it is not necessary to have a quorum. The only question on which a quorum can be called is the motion of the gentleman from New York [Mr. LAW] to go into Committee of the Whole.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. LAW], who moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 32767) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts. The Clerk will call the roll.

The question was taken; and there were—yeas 156, nays 11, answered "present" 32, not voting 186, as follows:

## YEAS—156.

Adair	Davidson	Hollingsworth	Olmsted
Adamson	Davis	Houston	Page
Aiken	Dawson	Hughes, Ga.	Parker
Alexander, Mo.	Dickinson	Hull, Tenn.	Pearre
Andrus	Dickson, Miss.	Humphreys, Miss.	Pratt
Ansberry	Dixon, Ind.	Jamieson	Pujo
Anthony	Dodds	Johnson, S. C.	Randell, Tex.
Austin	Durey	Jones	Richardson
Barchfield	Edwards, Ga.	Kennedy, Ohio	Robinson
Barnhart	Edwards, Ky.	Kitchin	Rodenberg
Bartlett, Ga.	Englebright	Knowland	Rucker, Colo.
Beall, Tex.	Esch	Korbly	Saunders
Bell, Ga.	Fairchild	Kistermann	Sharp
Boehne	Fassett	Latta	Sheppard
Booher	Ferris	Law	Sherwood
Boutell	Finley	Lawrence	Sims
Brantley	Flood, Va.	Lever	Sisson
Burgess	Floyd, Ark.	Lindbergh	Slemp
Burke, S. Dak.	Focht	Lively	Smith, Iowa
Butler	Foster, Ill.	Lloyd	Smith, Tex.
Byrns	Foster, Vt.	Loudenslager	Spight
Calder	Fuller	McKinlay, Cal.	Stanley
Campbell	Garner, Pa.	McKinley, Ill.	Steenerson
Candler	Garner, Tex.	McLachlan, Cal.	Stephens, Tex.
Cantrill	Garrett	Madden	Swasey
Carlin	Gillespie	Madison	Taylor, Ala.
Cary	Godwin	Maguire, Nebr.	Taylor, Colo.
Chapman	Gordon	Mann	Thistlewood
Clark, Fla.	Graft	Martin, Colo.	Thomas, Ky.
Cline	Guernsey	Mays	Thomas, N. C.
Collier	Hamlin	Mitchell	Tou Velle
Cooper, Pa.	Hanna	Moon, Tenn.	Townsend
Cooper, Wis.	Haugen	Morgan, Okla.	Turnbull
Cox, Ind.	Hay	Moss	Wallace
Cox, Ohio	Heflin	Moxley	Washburn
Craig	Helm	Needham	Weisse
Cravens	Henry, Tex.	Nicholls	Wickliffe
Crumpacker	Higgins	Oldfield	Willett
Currier	Hitchcock		Wilson, Pa.

## NAYS—11.

Bennet, N. Y.	Kendall	Snapp	Thomas, Ohio
Cassidy	Reeder	Sterling	Wiley
Dwight	Roberts	Sulloway	

## ANSWERED "PRESENT"—32.

Alexander, N. Y.	Draper	Hubbard, Iowa	Padgett
Anderson	Driscoll, M. E.	Hubbard, W. Va.	Sherley
Ashbrook	Fordney	Knapp	Simmons
Barnard	Goulden	Kopp	Tawney
Borland	Grant	McCall	Webb
Burleigh	Hardwick	Miller, Kans.	Weeks
Clark, Mo.	Howell, N. J.	Nelson	Young, N. Y.
Clayton	Howland	O'Connell	The Speaker

## NOT VOTING—186.

Allen	Carter	Driscoll, D. A.	Gill, Md.
Ames	Cocks, N. Y.	Dupre	Gill, Mo.
Barclay	Cole	Ellerbe	Gillett
Bartholdt	Conry	Ellis	Glass
Bartlett, Nev.	Coudrey	Elvins	Goebel
Bates	Covington	Estopinal	Goldfogie
Bennett, Ky.	Cowles	Fish	Good
Bingham	Creager	Fitzgerald	Graham, Ill.
Bowers	Crow	Foelker	Graham, Pa.
Bradley	Cullop	Fornes	Greene
Broussard	Dalzell	Foss	Gregg
Burke, Pa.	Denby	Fowler	Griest
Burleson	Dent	Gaines	Hamer
Burnett	Denver	Gallagher	Hamill
Byrd	Diekema	Gardner, Mass.	Hamilton
Calderhead	Dies	Gardner, Mich.	Hammond
Capron	Douglas		Hardy



Harrison	Langley	Morrison	Scott
Havens	Lee	Morse	Shackleford
Hawley	Legare	Mudd	Sheffield
Hayes	Lenroot	Murdock	Slayden
Heald	Lindsay	Murphy	Small
Henry, Conn.	Livingston	Norris	Smith, Cal.
Hill	Longworth	Nye	Smith, Mich.
Hinshaw	Loud	Olcott	Southwick
Hobson	Lowden	Palmer, A. M.	Sparkman
Howard	Lundin	Palmer, H. W.	Sperry
Howell, Utah	McCreary	Parsons	Stafford
Huff	McCreedle	Patterson	Stevens, Minn.
Hughes, N. J.	McDermott	Payne	Sturgiss
Hughes, W. Va.	McGuire, Okla.	Peters	Sulzer
Hull, Iowa	McHenry	Pickett	Talbot
Humphrey, Wash.	McLaughlin, Mich.	Plumley	Taylor, Ohio
James	McMorran	Polindexter	Tilson
Johnson, Ky.	Macon	Pou	Underwood
Johnson, Ohio	Malby	Pray	Volstead
Joyce	Martin, S. Dak.	Prince	Vreeland
Kahn	Massey	Rainey	Wanger
Keifer	Maynard	Ransdell, La.	Watkins
Keliber	Miller, Minn.	Rauch	Wheeler
Kennedy, Iowa	Millington	Reid	Wilson, Ill.
Kinkaid, Nebr.	Mondell	Rhinock	Wood, N. J.
Kinkead, N. J.	Moon, Pa.	Riordan	Woods, Iowa
Kronmiller	Moore, Pa.	Roddenbery	Woodyard
Lafean	Moore, Tex.	Rothermel	Young, Mich.
Lamb	Morehead	Rucker, Mo.	
Langham	Morgan, Mo.	Sabath	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KOPP with Mr. CARTER.

Mr. SMITH of Iowa with Mr. BROUSSARD.

Mr. HINSHAW with Mr. BURLESON.

Mr. COWLES with Mr. BURNETT.

Mr. CREAGER with Mr. CULLOP.

Mr. DALZELL with Mr. DENT.

Mr. FOSS with Mr. DENVER.

Mr. GARDNER of Massachusetts with Mr. DANIEL A. DRISCOLL.

Mr. GARDNER of New Jersey with Mr. ELLERBE.

Mr. GOOD with Mr. FITZGERALD.

Mr. HAMER with Mr. GRAHAM of Illinois.

Mr. GRAHAM of Pennsylvania with Mr. GLASS.

Mr. HAWLEY with Mr. HAMMOND.

Mr. HAYES with Mr. HARDY.

Mr. HEALD with Mr. HAVENS.

Mr. HOWELL of Utah with Mr. PAGE.

Mr. HUFF with Mr. LEE.

Mr. HULL of Iowa with Mr. LEGARE.

Mr. HUMPHREY of Washington with Mr. MACON.

Mr. LAFEAN with Mr. PETERS.

Mr. LOWDEN with Mr. RIORDAN.

Mr. LUNDIN with Mr. RUCKER of Missouri.

Mr. MALBY with Mr. WATKINS.

Mr. TAWNEY with Mr. CLARK of Missouri.

Mr. OLCOTT with Mr. SHACKLEFORD.

Mr. SOUTHWICK with Mr. SMALL.

Mr. STAFFORD with Mr. UNDERWOOD.

Until 12 o'clock noon, February 20:

Mr. BARNARD with Mr. MORRISON.

Mr. COLE with Mr. ASHBROOK.

Mr. STEVENS of Minnesota with Mr. WEBB.

Until 10 o'clock a. m., February 20:

Mr. LANGHAM with Mr. MCHENRY.

Mr. MCMORRAN with Mr. RAINEY.

Until 8 o'clock a. m., February 20:

Mr. PARSONS with Mr. CLAYTON.

Until 12 o'clock noon, February 19:

Mr. MONDELL with Mr. BORLAND.

Mr. GREENE (in favor) with Mr. O'CONNELL (against).

For this legislative day:

Mr. DOUGLAS (in favor) with Mr. HOWARD (against).

On this bill (claims):

Mr. MILLER of Kansas with Mr. HOBSON.

Mr. WANGER (in favor) with Mr. NELSON (against).

On this vote:

Mr. TILSON with Mr. PADGETT.

Mr. TAWNEY. Mr. Speaker, I am paired with Mr. CLARK of Missouri. I voted "yea," and I wish to withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House for the further consideration of bills on the Private Calendar, with Mr. CURRIER in the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. When the committee rose at its last session general debate was on, and the gentleman from New York [Mr. LAW] had been recognized for an hour and had used 35 minutes of the time. Under the order agreed

to in the House, 25 minutes in now to be devoted to general debate, and the Chair will recognize the gentleman from New York for 25 minutes.

Mr. LAW. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. EDWARDS].

The CHAIRMAN. The gentleman from Georgia [Mr. EDWARDS] is recognized for 10 minutes.

Mr. EDWARDS of Georgia. Mr. Chairman, I feel somewhat out of place here on this holy day, and I presume all of the Members of the House feel very much as I do. Under the parliamentary status it is true that this is still Friday, but it is nevertheless Sunday, as the calendar day. It marks a sad day in the history of this country when the Congress, the great lawmaking body of this country, has to encroach upon the Sabbath to transact the business of the country and of the Congress. And to think, Mr. Chairman and gentlemen, that this is brought about and caused on account of the filibuster of a few gentlemen who are not so much opposed to the justice of this bill, or to the justice of these war claims, as they are in favor of some other claims, the French spoliation claims, which were stricken out of this bill here last night on motion of the gentleman from Illinois [Mr. MANN]. For a while, Mr. Chairman and gentlemen, I could not help feeling somewhat aggrieved at the gentleman from Illinois [Mr. MANN] on account of the filibuster that he was conducting, but when it became apparent that the gentleman from Illinois was conducting a filibuster to strike from this bill the French spoliation claims and come over as our ally and friend, I then saw through the whole plot, the whole scheme. But, lo and behold, the filibuster was then taken up on the other side of the House by other gentlemen who were pressing the French spoliation claims, and who urge naught against the fairness and justice of these southern war claims. Mr. Chairman and gentlemen, not only does the fact that we are transacting the business of the country on the Lord's day mark a sad day in the history of the country, but last night there sat in this gallery a man who was referred to as a lobbyist in the interest of the French spoliation claims.

And that same man, when the gentleman from North Carolina [Mr. KITCHIN] was making his great speech against the French spoliation claims, was seen here almost in the doors of this Hall trying to slip data and facts into the hands of one of these gentlemen on the other side who is aiding in conducting this filibuster. I ask, What is the connection, if any, between that man and the gentleman who is aiding in conducting this filibuster?

Mr. BENNET of New York. Will the gentleman yield?

Mr. EDWARDS of Georgia. I will.

Mr. BENNET of New York. Does the gentleman have any reference to me?

Mr. EDWARDS of Georgia. I do not.

Mr. BENNET of New York. Thank you.

Mr. EDWARDS of Georgia. I will tell the gentleman who I refer to, if he will rise in his place and ask me. I have in my hand the very book that this man, Mr. Scattergood, the representative of the insurance company, had in his hand trying to sneak it into the House and into the hands of a gentleman of this House.

I have the book in my hand, and it was a Democratic Member of the House who discovered and ordered away from here that lobbyist sneaking to the door of this Chamber trying to send this literature in.

On the floor of this House last night the gentleman from Kansas [Mr. CAMPBELL] referred to the southern war claims bill as a "pork barrel." How in the name of God can the people of this country respect us if we do not respect ourselves?

It marks a sad day in the history of this country when the very Halls of Congress are visited by lobbyists; when we are compelled to transact the business of the country on the Lord's day; and when we are compelled, Mr. Chairman, to see the will of the majority of the House thwarted by a few gentlemen. [Applause.]

Mr. LAW. Mr. Chairman, I reserve the balance of my time.

Mr. BENNET of New York. Mr. Chairman, as to the matter of this bill, as to the war claims, I have always felt that when a court or a quasi court, such as the Court of Claims as constituted by the Government, makes findings that Congress ought to respect and follow those findings. During the six years that I have been here, so far as I can now recollect, I have never voted against a finding of the Court of Claims. Neither do I think that it is any good reason to urge against the payment of a claim that has been held just by a court that it has not before been paid. It seems to me it is setting up one's own wrong against a right, and therefore during the last two days I have been voting with particular pleasure with the gentlemen on that side who voted almost

solidly, and with some gentlemen on this side, to consider a bill which contains not only the southern war claims, but which contains claims for navy-yard overtime for men in Brooklyn, for men in New Hampshire, for men in Charlestown, and everywhere where there is a navy yard—old soldiers, many of them—who deserve the payment of the overtime, and I have been one to sit here for three days to see if I could be of any assistance in forwarding their interests.

My personal and private impression is that this morning at 3 o'clock the gentleman from Illinois, whose astuteness is a continual source of pleasure, set a trap for the war-claims gentlemen in this House, they walked into it, and he snapped it when they struck out the enacting clause of the Senate bill.

We are now within less than a fortnight of adjournment. In my judgment no bill except a Senate bill pending in the House stands a chance of getting through in this session. I agree with the gentleman from Illinois [Mr. PRINCE] in the statement that he made and reiterated last night, that if we wanted these claims passed we ought to pass the bill as it came from the Senate with the additions proposed by my colleague [Mr. LAW]. I was for them all. I was for the French spoliation claims. Why make one rule for one set of claims and another for another? If the decision of a court is a good thing as a foundation for a war claim, why is not the decision of a court a good foundation for a French spoliation claim?

Gentlemen say, "Oh, these claims are old." What excuse is that, if we have been remiss in our duty? They say they are trifling, and yet during the days when those claims accrued over 2,000 vessels belonging to people on the seacoast from Maine to New Orleans were destroyed by the French, and the best minds of the days of Washington, Jefferson, Madison, and Monroe were taken up with the question of the settlement of those claims. Trifling, because the people are scattered and the claims are few? Since when has it become a trifling matter because a claim was small? I have heard invective in this House against persons because their means were large, but never before have I heard it urged as a ground for not paying an honest debt that the claim was small.

Mr. GOULDEN. Will the gentleman tell us the amount of these spoliation claims, and if it includes interest?

Mr. BENNET of New York. It does not include interest. It does not include any claim due to an incorporated insurance company. Roughly speaking, the amount is \$848,000.

Mr. GOULDEN. One more question, if my colleague will yield.

Mr. BENNET of New York. Certainly.

Mr. GOULDEN. In what respect do those claims differ, so far as legality is concerned, from the war claims?

Mr. BENNET of New York. There is no difference whatever in their legality. In each instance the Court of Claims has passed on them.

Mr. SWASEY. And found the law as well as the facts.

Mr. BENNET of New York. Yes; and the gentleman from Maine reminds me that in the case of the French spoliation claims the court has found the law as well as the facts. Yet we are asked to pay the southern war claims because a court found them to be valid.

Now, the gentleman from Kansas [Mr. CAMPBELL] said a bill of this kind of a "pork barrel." I think this House ought to know that in another place where this bill was drawn up, it was drawn up under stringent rules, which were as follows:

First. In all claims of individuals, to exclude cases where the court has found inexcusable laches; this rule not to apply to churches, schools, and other corporations and quasi corporations which could not under a ruling of the Southern Claims Commission present their claims to that commission.

Second. To allow all claims for use and occupation of real estate and for stores and supplies, which are not barred by any other rule, where the court has made specific findings as to the rent (including incidental damage) of such real estate and the value of such stores and supplies.

Third. To allow no claim for the destruction of property (as by accident, the depredations of soldiers, or military necessity) unless the same was destroyed to furnish materials for the use of the Army, and then only for the value of such materials as materials and not for the value of the building, if given or included in rent found due; this rule not to apply to churches, schools, and similar corporations and quasi corporations where the value of the building destroyed for materials is given.

Fourth. To allow no claim whatever wherein there is a question as to the loyalty of the claimant as determined by the court.

Fifth. To allow all claims arising from French spoliations as found by the court, except the claims of assignees and insurance companies.

Sixth. To allow no claims other than those based upon findings of the Court of Claims certified prior to January 1, 1910.

I hope the gentleman will mark that.

Mark you, gentlemen, in order to have a legitimate title to a French spoliation claim it must be a descendible title. It can not be the title of an insurance company which had a policy for which it had received a premium on one of those 2,090 vessels.

Mr. SIMS. Has the gentleman ever known an omnibus war claims bill to pass Congress that did not have French spoliation claims on it?

Mr. BENNET of New York. The service of the gentleman from New York has been neither so long nor so valuable as that of the gentleman from Tennessee, and therefore he has no recollection of French spoliation claims having been enacted into law since his service here in the House.

Mr. SIMS. If the gentleman will look at the bills he will find out that he is mistaken. They have been included in every omnibus bill.

Mr. MANN. Never in the House.

Mr. SIMS. But when it became a law it had French spoliation claims in it.

Mr. MANN. We will make an exception this time.

Mr. BENNET of New York. To continue—

Sixth. To allow no claims other than those based on the findings of the Court of Claims certified prior to January 1, 1910.

Mr. GOULDEN. Will my colleague tell us what he is reading from?

Mr. BENNET of New York. I am reading the rules adopted by the subcommittee on claims of another body which has to do with this bill in another stage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAW. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, remarks were made last night during the course of this debate by the gentleman from Ohio [Mr. COLE], in which he in a most kind and complimentary manner spoke about a vote that I had recently made upon the floor of the House in behalf of the old Federal and Mexican veterans. I admit, Mr. Chairman, that that reference by the gentleman from Ohio to the vote that I cast at that time touched me most kindly. I have always, as a Confederate soldier, had the greatest regard and respect for the Federal veterans, many of whom I met on different battle fields of the South. My association with them since the close of that great Civil War has been of the kindest and most friendly character, and I do not hesitate to say just this morning that, as one of the few Confederate survivors of that great struggle, I sincerely believe that the Republic should be generous in providing for the help and maintenance of the Federal veterans, and that grand old band of Mexican soldiers who need help. I say, in my position here, that the man who braves the storm of bullets in battle and the hardships of camp life for his country is entitled to, and should receive, generous recognition. In the State of Alabama I am an earnest advocate of the needy and worthy Confederate soldiers being cared for as far as the treasury of that State is able to provide for him. These veterans of the blue and the gray are passing rapidly away. Quite 36,000 of the veterans of the Federal Army passed away last year. I see sitting to my right a brave and splendid Federal soldier, the distinguished gentleman from Ohio [Mr. SHERWOOD], a Member on this side of the House. I do not hesitate to say in this presence this morning that every sentiment of friendship, of esteem, and of love of my heart goes out to him. There are a few of these Federal veterans that have their seats on the other side of this Chamber. Some of these brave men I met at Chickamauga, where the man was truly tested. It was a field of northern and southern blood. That great struggle, with all of its fire and passion, has passed from the bosoms and hearts of these veterans of both Armies. The fact is the trouble we have had in the South since the close of the war did not come from Federal soldiers but others who talk much. I stand here this morning an humble representative, in my opinion, of that magnificent sentiment among the Confederate soldiers of friendship and love and esteem for the old Federal soldiers. [Applause.] I thank the gentleman from Ohio [Mr. COLE], and I openly here thank him, for what he said of me.

Surely and certainly no partisanship, no sectionalism prevails in the heart and the bosom of any man on this floor because many of these claims that we are discussing now are from the South and have their origin in the times of the war. The President of the United States, a Republican, urges that these claims be paid. He says that a longer refusal to pay them is a discredit to the Government of the United States, because a competent court has investigated these cases and pronounced them valid. I have one case to which I would like to refer in the presence of this House this morning. I refer to a colored church that during the war was destroyed. They are close neighbors of mine, all colored people, belonging to the Primitive Baptist Church. What does the Court of Claims say in reference to those people:

During the War of the Rebellion the military forces of the United States, by proper authority and for the use of the Army, took possession of and tore down the church building of the Primitive Baptist Church (colored) of Huntsville, Ala., and used the material thereof, which at the time and place of taking was reasonably worth the sum of \$909.



It does not appear that payment has ever been made for any part thereof.

Is there any gentleman on this floor who for a moment questions the fact of the loyalty of those colored people? [Applause.] Since 1884 the elder and members of this church have written and talked to me about this small pittance to these needy church people. I have dealt kindly in answering their inquiries. The district I have the honor to represent has quite 50 of such cases on this bill, carrying with them nearly \$50,000. Each one of these cases has been fully and fairly investigated by the Court of Claims. The same facts were established in these cases relating to the destruction of churches and halls that were established in the Primitive Baptist Church (colored) of Huntsville, Ala. What, I pray, is the use of a Court of Claims if Congress refuses to enforce its judgment. Mr. Chairman, I stand for this bill. These claims now in judgment, by every instinct of fairness and justice, ought to be paid. I have not heard the semblance of a substantial excuse during this protracted filibuster why these claims shall not be paid. [Applause.]

#### EULOGIES.

The CHAIRMAN. The hour of 12 o'clock noon having arrived, in accordance with an order agreed to in the House, the committee will now rise informally.

The committee accordingly rose, and the Speaker resumed the chair.

EULOGIES ON THE LATE SENATOR ALEXANDER STEPHENS CLAY.

The SPEAKER. The House will be in order. The Chaplain will offer prayer.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we thank Thee for that moral sense down deep in the hearts of men which inspires admiration and praise for those who have rendered faithful and efficient service for the public weal and promises the final triumph of good over evil. We are here to leave on the pages of history the record of two such men. It is well, since the work of the faithful points the way for those who shall come after them, and we bless Thee that the human heart refuses to believe "that the soul which breathes through the intellect wisdom, through the will virtue, through the affections love," passes with the death of the body "into nothingness and darkness forever."

Grant that those who were bound to the departed by the ties of kinship and love may cherish their memory and look forward with imperishable hope to an immortal realm where they shall dwell with them forever. And Thine be the praise through Jesus Christ our Lord. Amen.

The SPEAKER. Under the order the Chair in execution of the same will recognize the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia offers the following resolutions (H. Res. 982), which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. ALEXANDER S. CLAY, late a Member of the Senate from the State of Georgia.

*Resolved*, That the next adjournment shall be considered a particular mark of respect to the memory of the deceased.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. The gentleman from Georgia [Mr. LIVINGSTON] will take the chair.

Mr. HARDWICK. Mr. Speaker, ALEXANDER STEPHENS CLAY, late a Senator of the United States from the State of Georgia, was one of the State's most universally respected and best loved sons.

I do not believe I overstate the facts when I say I know of no Georgian, alive or dead, at this or any period of the history of the State, who was more universally loved in life or more deeply mourned in death.

The people of Georgia loved Senator CLAY because he loved them. They were true to him because he was always true to them. They "delighted to do him honor" because they knew that in doing so they honored themselves.

There were many men in public life who at times made a more brilliant showing than our late Senator; there were others who seemed better fashioned "the applause of listening senates to command," who dazzled the imagination and filled the

public eye to a greater extent than he, but in capacity for hard, useful, fruitful work, for constant, continuous, and unremitting toil, in devotion to duty and fidelity to the interests of the masses of the American people no public man of his times was his superior, few his equal.

Senator CLAY had, magnificently developed, at least three striking attributes of character without which no man can be reckoned either really great or truly good; without which the words of the most brilliant and accomplished orator are "mere sound and fury, signifying nothing;" without which there can be no solidity or permanence of achievement in any walk of life, public or private.

First. Our late friend was as modest and unassuming as a gentle and refined woman. He had none of the pomp and pride of place and station about him. He was one of the most natural and the least egotistical gentleman it has ever been my good fortune to know. He had absolutely no false pride either of opinion or of authorship, and was always ready to accept the proposition of another whenever that proposition seemed wiser and better than his own. Any legislator who broadens out this much and reaches this stage of mental development has become possessed of at least one of the real elements of intrinsic greatness and usefulness in legislative service.

Second. Senator CLAY had the most practical, if not the only, form of real genius—capacity for hard work and the willingness to do it.

Third. He had a great, unselfish, human heart in his breast; a heart full of deep sympathy for the troubles of others and keenly responsive to the wail of human suffering whenever and wherever heard and however weak its whisper; a heart full of charity, even toward those "who despitefully used him," and overflowing with love and good will to all men.

Coupled with these admirable qualities of heart, he possessed hardly less admirable qualities of head. While he never posed and never sought to make a show, he was a man of splendid poise, of excellent common sense, and of solid attainments. He was a hard student, particularly in the latter years of his life, when I knew him best and was most intimately associated with him, and he had an extensive range of that most useful knowledge that is not learned from books or taught in the schools, but comes from actual knowledge of men and practical acquaintance with affairs. No man's education is complete without this post-graduate degree from the great university of life that had conferred its highest degree on our late Senator. Withal, he was a careful thinker, a close and accurate reasoner, and possessed of at least one other striking hall-mark of greatness—he was not only personally and politically honest, but he was also intellectually honest to the core.

From poverty and through adversity he came, working his way upward in genial, friendly, and admirable fashion. Living and working in the clear light and bright sunshine of the Almighty, both his heart and life were filled with that light and sunshine. Fidelity to duty, both in public life and private station, was the watchword of his career. As son, as husband, as father, and as friend he was incomparable and unimpeachable.

Mr. Speaker, this man's simple, honest, up-hill life; his steady and unbroken ascent to high place; his absolute fidelity to the interests of the people, who knew him, loved him, and trusted him; his remarkable capacity for making and holding friends; his capacity for hard work and his willingness to do it; his long, honorable, and useful career both in Georgia and in the Senate of the United States; his untimely death, hastened without doubt by his firm refusal to leave his post of duty at the last session of this Congress to recuperate his failing health; his bier, covered with the beautiful flowers that attested the love of a great people, and wet with the tears that were eloquent of their grief, all make up a lesson I can never forget—a lesson that every American youth ought to learn—a lesson of high purpose and consecrated devotion to duty. As I pass in swift mental review over the life and career of my dear, dead friend, I see him a struggling youth, of poor but honest parentage; born with no silver spoon in his mouth, but with a God-given determination in his heart to make something of himself and to be of service to his fellows; I can see him struggling through as much schooling and as careful preparation for the practice of law as his scanty self-earned means would permit; I can see him as a struggling young lawyer facing his older and more experienced brethren at the bar with that innate modesty and diffidence that was ever one of his chiefest charms, but with final and deserved success.

I can see him when he first came to our legislature, at an early age, as the representative of his dearly loved county of

Cobb; I can see his influence and power as a member of the legislature broadening and growing as his genial, open nature won him friends and as his strong and trustworthy character grew upon his associates and the public. I can see him soon elevated to the speakership of the house of representatives of our general assembly. I see him soon transferred, by the vote of his own loving people, who never denied him aught or gave him grudgingly, from the lower to the upper house, there to retain his preeminence as president of the senate. I next see him State chairman of the Democratic Party of Georgia, leading its hosts with gallantry, dash, and splendid success in the only real party contest the State has known since the days of reconstruction. I can see him reaping at an early age the highest political reward his State and party could bestow, when in 1896 he became United States Senator from Georgia. I can see him as he stands before the legislature that has honored him, the cynosure of every eye, honored and beloved of the people; and I can hear his voice ring out in modest protest that he doubts his ability to worthily wear the high honor his friends have given him, but in earnest promise to dedicate himself to duty and to unremitting toil for the people—a diffidence that the event has shown to be entirely unfounded, and yet one that did credit to his heart and character, and a promise that he religiously kept through all the remainder of his days.

I see him, a Senator of the United States, wearing worthily the honor and maintaining without effort the dignity of his office, and yet remaining plain, honest, unaffected, modest, genial "STEVE" CLAY to his friends, always; I see him unspoiled by place and as attentive to the wishes of his humblest constituent as to those of his mightiest; I see him winning the love of the entire Senate and of all the Members of this body who had the good fortune to come in contact with his open, genial, friendly, modest nature; I see him winning and retaining the respect and high opinion of the Senate and the country by his industry and his honesty, his fidelity to duty and his sterling common sense, by his earnestness and sincerity, and by his lack of all cant and pose.

I can see him during the very last span of his life in Georgia, standing manfully and openly by his conception of the State's honor and interest, without regard to or fear of any possible consequences to himself. I can see him, in this last political battle of his career, as broken in health but unbroken in spirit he unfurled his battle flag to Georgia's breezes, and disdained to trim his sails to catch what seemed to be the passing breeze; I can see him when he was bright and clear of eye, robust in health, and exuberant in spirits; and I can see him when the fateful hand of disease and suffering was laid heavily upon him.

I can see him as he stood in the historic Chamber of the mightiest legislative body on earth, battling with all the courage of an olden knight for the cause of the poor and the oppressed, and I can see him at his fireside, the center of a devoted family circle, the pride of aged parents, the strong staff upon which leaned a loving and devoted wife, the idol and companion of his children; I can see him when he was the very embodiment of life, an intensely human, an altogether lovable figure, a man with a host of devoted friends, with strong beliefs, with earnest convictions, with unfaltering purpose, with unimpeachable honesty; and I can see him as he lay cold in death in his beloved Marietta home, surrounded by his loved ones, mourned by his friends, lamented by a great State and country, with his earthly work done, and well done—an honest man gone home to meet his God and to receive his reward.

His like we will not soon see again. Peace to his ashes, honor to his memory. Fortunate, indeed, will each of us be, if, when the final summons comes, the friend who says the last words over our remains may be able to truthfully pronounce the eulogy I now pronounce over my dear friend—those who knew him best loved him most.

Mr. BURGESS. Mr. Speaker, Georgia has furnished many brilliant and able men to the service of the Republic, but in my judgment she has furnished no better man than he to whose memory we now pay respect.

ALEXANDER STEPHENS CLAY did not serve in the House, and only those Members who came in contact with him knew the real worth of the man. I lived for some years at the same hotel with him and knew him intimately, and I respected him and loved him as perhaps I respect and love no other citizen except in my own State.

I found him a faithful friend, a man whom anybody could meet on equal terms, a man without guile, a man without

blemish, a man in the very best sense of the term. As the speaker who has just preceded me has said, if he had one distinguishing characteristic that made him stand out above his fellowmen, it was his loyalty not only to his friends but to every consideration that was impelled by conscience.

Loyalty to friends is a great and rare trait, but loyalty to conscience rises above even loyalty to friends. He was a man in whose bosom lurked not the shadow of a lie. He knew nothing but the truth, and he worshipped it all his days. Knowing him and loving him as I did, it is not surprising to me that he was universally loved in his own State. It could not be otherwise, because to be thrown in contact with him was to love him; to know him was to realize his worth.

He has gone, and happy will be the man of whom, when he comes to go, it can be said, as it is truthfully said of CLAY, he fought a good fight, he finished his course, he kept the faith, and henceforth there is laid up for him a crown of righteousness in a better world.

CLAY believed profoundly in God, and I am not ashamed to proclaim in this presence my faith in God. Looking out through the misty future, I hope to see the day when I shall meet again with this friend who has departed in a better world than this.

After all, life is but a breath. After all, life is but a moment, and we are gone. Happy is the man of whom it may be said that when his

Summons come to join  
The innumerable caravan which moves  
To that mysterious realm where each shall take  
His chamber in the silent halls of death,  
Thou go not, like the quarry slave at night,  
Scourged to his dungeon, but sustained and soothed  
By an unfaltering trust, approach thy grave  
Like one that wraps the drapery of his couch  
About him and lies down to pleasant dreams.

He has gone. We call it death. Ah, Mr. Speaker, there is no death. Beyond this life he lives, and his life and the life of all such is a pledge of a future life for all men.

Mr. RICHARDSON. Mr. Speaker, my acquaintance with Senator CLAY commenced when I entered Congress in 1900. Our rooms at the hotel adjoined each other, and our daily intercourse was most intimate and continued so to the day of his death. In these cordial relations of friendship between us I discovered that the love of truth and simple and plain honesty and justice in all the affairs of life predominated in his character. The reputation of no public man that I have ever met was built more certainly and firmly on these ennobling features of his life—truth, honesty, and love of justice—than that of ALEXANDER STEPHENS CLAY. He was not what the world called a brilliant genius, a great and electrifying orator. Nor did he ever essay to fill such a rôle, but he was eminently an American statesman, possessed of an unerring judgment, a fidelity to duty, and a practical knowledge that made him an invaluable public servant. Senator CLAY was a grateful man. He loved the kindnesses and courtesies that his friends so lavishly extended to him. But, Mr. Chairman, as much as anyone I ever met he esteemed, loved, and cherished the honors that the people of Georgia had conferred upon him, and for them, and with that splendid spirit, he labored in and out of season with a persistence and fidelity in the pursuit of their interests that made him one of the most successful Members of the United States Senate. In his vocabulary duty was the great headlight of his life. As he saw his duty, thus he performed it boldly, conscientiously, and with a courtesy and kindness that endeared him to those who might differ with him. In his composition there was a marked absence of the petty envies and jealousies that so often blur and mark the intercourse of public men. Senator CLAY loved his fellow man. It was a joy to his heart not only to see but to help his fellow man advance in the honors of life and in the acquisition of blessings that men struggle for. He was a tender and kind hearted man.

To others of his own State of Georgia it is more appropriate than for me to note and refer to the various positions of trust and honor that the people of Georgia so generously, over a span of years, conferred on him. I only can speak of Senator CLAY as I knew him as a Senator. Senator CLAY's life, his success, is a wonderful tribute to the spirit and glory of our republican institutions. From the humble walks of life he came, but its natural obstacles, its serious hindrances and discouragements, could not deter or divert his invincible spirit. The goal of life was before him; the institutions of his country opened the avenues to him and every man for a fair struggle for success. Success—liberal success—was the reward of his life in all his efforts. He died at an early age, but the record of what he accomplished is the highest and best testimony of his



useful life, and is justly the heritage of the great people of Georgia, who feelingly mourn his untimely death.

Mr. Speaker, sometimes it is unjustly said that the lives of public men are so engrossed in their public duties that the sacred ties of home with its endearments are more or less benumbed, and that the music of home is not so sweet as it once was. It was not so of Senator CLAY. In my intimacy with him during the frequent private conversations I have had with him when his wife and children were absent, I recall now with what tender pathos he would speak of his home—the true happiness that dwelt there. He would pass in affectionate review each member of his loved family circle and would always close the conversation: "I am so anxious to go home." Mr. Chairman, it has been said that a happy, contented home is a simple prototype of the mansion that God has prepared for those He loves. Senator CLAY was a pure and guileless man—a great man in its true American acceptance—and his life, his example, his works, are worthy of earnest imitation.

Mr. DAVIS. Mr. Speaker, it is most appropriate that this day be set aside for the strewing of flowers and garlands to the memory of the late Senator ALEXANDER STEPHENS CLAY, of Georgia.

Although he is no longer with us, the memory of his life, the spirit of integrity and devotion which dominated his actions, comes to us to-day, a testimonial to the true worth of the man. This is an appropriate time, indeed, for those who knew him best to pay tribute to the sterling character of the man, his high purpose and noble ideals.

To those who knew him best and shared the closest intimacies of his friendship Senator CLAY was the lovable man. He was the man who loved best to have his friends about him and enjoy the sweet intercourse of friendship. Possessed as he was of a rare kindness of heart and a broad humanity, his view of life was always charitable and optimistic. This quality of benevolence of heart endeared him to all who knew him. The friendships he made were enduring.

His loyalty and devotion to his friends under any and all circumstances was a marked characteristic of the man. Having sprung from the people, realizing in his early experiences struggles of life, he loved them and they in turn loved him. Coming from the people, he understood their wants and he strongly reflected in his public career the feeling, sentiment, and thought of his State on public questions. In a true sense he was their representative. He enjoyed a merited popularity, and the cause of it was found in the fact that his people thoroughly believed in him and had the utmost confidence in his honesty, integrity, and sincerity.

In all of Senator CLAY's public utterances there rings the clear, true note of high purpose and lofty ideals. He was ever the defender of the people, following his sense of duty as it appeared to him. He denounced wrongdoing and upheld right conduct in public affairs and legislation with an ability, an ardor, and fervency of spirit worthy any patriot or statesman. While he was not slow to denounce with clarion voice evil as he saw it, his eloquence was never wanting to defend the right, to uphold the good.

This clear-headed, right-minded, and ardent statesman of the South, this advocate of the people, uttered no false note. There was no hesitancy as to the course he was to pursue. Having a clear vision and high purpose, he was swift to decide on his course of action. While a partisan in politics, in thought and in purpose he was an independent. His devotion to party never dimmed his vision for the highest public service. His independence of thought continually asserted itself and made its impress upon public legislation.

During his distinguished services in the United States Senate, dating from 1896 up to the time of his death, great economic problems confronted the Nation. With these questions he was brought face to face. It was a period in which much of national legislation was directed toward the problems of transportation, commerce and industries.

It was a period in which there was a marked diversity of opinion as to the proper methods of dealing with these important questions. Senator CLAY brought to the discussion of these problems a high sense of duty and an earnest and patriotic desire to accomplish the right.

It was in this connection that his independence of thought and action was of special value in the securing of legislation of an important nature. In the final analysis it will be found, I venture to say, that this southern statesman has contributed his share toward the enactment of legislation of a beneficial character.

He was an indefatigable worker. Here again, we find his sense of duty asserting itself in long hours of toil and constant

attention to public duties. Time and time again friends advised him to take needed rest, which he refused to do, so devoted was he to his constituency and Nation. Here was a man loyal to his trust.

Having been born and raised in the South, he believed in the South and her future. Although he grew up amid the traditions as well as the sad ruins of the Old South, yet in a true sense he belonged to the New South, with all of her hopes and aspirations. He typified to a remarkable degree that aspiration, self-assertion, and restless energy which is now taking possession of her people and which will eventually make of this section a new land.

Senator CLAY was democratic in the true sense of the word. He was ever close to his people and they confided in him. It can be truly be said that he knew of no allegiance save his allegiance to duty. In him the people found a tried, trusted servant, who would betray no confidence and would not be turned from the straight path of duty. His State and Nation lost a valuable servant, his people a friend.

His loss is, indeed, a personal one. It was my privilege to know him intimately, and I came to appreciate and to hold in high esteem his friendship. The hours spent with him will be treasured for the kind memories they bring. His geniality, his high and lofty spirit, his unswerving devotion to duty, his rectitude of purpose, will ever be a source of inspiration.

In all my acquaintance the truth of the maxim that an honest man is the noblest work of God was never more fully exemplified than in the life and character of Senator CLAY.

Mr. BRANTLEY. ALEXANDER STEPHENS CLAY was not an ordinary man. He had all the qualities of mind and heart and body that go to make a leader among men. In the hush following upon the startling announcement of his death last November it was only too sadly realized that a great man among us had fallen, and in the hearts of his people there was erected that day "the broken column," emblematic and commemorative of the towering figure that had passed out of their lives, but whose memory would always remain.

No man can carve his way from obscure privation to a seat in the Senate of the United States, and hold it against all comers for two succeeding terms, unless there is in him something more of determination, of character, and of power than is given to the average man. Not only did Senator CLAY do this, but the end of his brilliant career to State and Nation was not in sight when a Divine Providence commanded that he lay aside all earthly labors and honors and enter upon his eternal rest. We of the House have set apart this day upon which to pay some fitting tribute to his excellent worth and to voice the esteem and affection in which we held him and the sorrow that is ours over his passing away. It is difficult for those of us who knew him and loved him in Georgia, as well as here, to properly and fully express the greatness of the loss we feel. Its magnitude, personally, socially, politically, and in every other way is too overwhelming to find expression in any words that are at our command. I look back upon the years since I first knew him, and more than half the life that I have lived is unrolled before me, and his entire public career comes back into view. I see him a new member of the Georgia House of Representatives from the county of Cobb, and hear again the clear ringing notes of his clarion voice as he made his first speech. I see him, successively, speaker of that body, dignified, courteous, and prompt; president of the Georgia Senate, gracing that station; chairman of the State Democratic executive committee, meeting all the requirements of that position; and a United States Senator from Georgia, living up to the best traditions of that august body. I knew him in all these relations, and now, with the light of his life extinguished and naught remaining of him save his imperishable record and undying memory, I can truly say of him that from the day of his entrance into public life until the hour when he forever laid down its burdens he was the true servant of the people. In my service here and at home I have known no man in the public service who more than he unreservedly consecrated his time, his thoughts, and his talents to the duties of his official station.

He bore in part a name illustrious in Georgia, and bore it so well that new luster and fame has been given to that name.

In Statuary Hall in this Capitol there has been erected no statue in honor of the great State of Georgia, but some day one of the figures that will there appear will be that of Alexander H. Stephens, Georgia's great commoner. This Hall has rung with his eloquence, and his impress is here, and in the archives of this Government, as it is in Georgia and the South. His illustrious name was borne by Senator CLAY.

What influence, if any, this name had upon the shaping of his life it is not for me to speculate upon, but this I know, that, like the great commoner, Alexander H. Stephens, the heart of ALEXANDER STEPHENS CLAY was ever with the toiling, struggling masses, and his hand was ever extended for their uplifting.

His life's record has been made up. There is naught we can add to it or take from it. That record, as it is written, shows that Senator CLAY ever and always stood erect, free, and unshackled to voice the sentiments, the hopes, and aspirations of the great body of the people, who looked to him with unfailing trust as their spokesman and leader. Wealth, nor power, nor influence could swerve him from the straight path of duty, nor did he ever stoop to mislead or deceive.

Cruel and wicked assaults upon the purity of his motives and the honesty of his purposes are perils to which every public man is exposed. Such perils are minimized and discounted by such a life as Senator CLAY gave to the world. His upright character, his lofty integrity, and his unflinching and unfaltering devotion to duty make the answer to those who for pecuniary or selfish ends would undermine and destroy the confidence of the people in the men selected to serve them. Senator CLAY accepted public office as a public trust. Duty was his watchword, and I speak within the confines of a well-considered opinion when I say that his devotion to duty, as he understood and conceived it, hastened the coming of his untimely end.

When stricken with failing health and sore disease, friends urged upon him that he forget for the time being the cares and responsibilities of his office and, with a mind centered only upon regaining health and strength, seek some quiet and obscure retreat and try to woo back his failing powers. These appeals he turned aside, waiting an opportunity when duty did not conflict with health. It may be that he did not realize the seriousness of his condition, or how close a neighbor the black angel of death had become; or it may be that he knew these things and yet dared remain at the post of duty. Be this as it may, he tarried at the post too long, and paid the penalty. He died a martyr to duty.

The allotted life of man was denied him, and at the age of 57, when he should have been in the full vigor of a strong manhood, he was cut down. We stand aghast at the tragedy of life and death, as thus revealed, and we moralize upon the vanity and futility of human life, as we know it, but in the life of Senator CLAY the lesson comes home to us that such a life is worth the living. It was a clean life—clean and pure and honest. It was a life inspired by high ideals and sustained by an unfaltering faith in the love and wisdom of a Divine Creator. Such a life illumines the pathway for struggling humanity, and for those who are weaker, points the goal of success in life and in death that can be reached with a little more courage and a little more effort and purpose. When all has been said and done, it still remains that the most any man can do is to do his duty as God gives him the power to see it, and so it can be said of Senator CLAY, that he did the most that any man could do.

He brought into his public life the same sincere, open, and candid habits of thought and speech and act that ever characterized him in private life. His life in public and private was an open book, to be read by all men. There was in him nothing of subterfuge or deceit or strategy. What he was he was, and what he thought he said. All men did not at all times agree with all he thought, but none questioned his sincerity, and all admired his candor, even as they did the courage of conviction that was his. It is no small feat for a man to live in the white light of publicity for more than a quarter of a century and have no stain or blot upon his name ever discovered or suspected. This was the feat of him whose memory we to-day honor, and in honoring which we honor ourselves.

Senator CLAY won a high place in the councils of the Nation. His opinions were respected, his advice was always heard and oftentimes heeded. He more than maintained himself in what is popularly called the greatest legislative body on earth. His standing there was secure and his influence felt. His colleagues in the body where he served, as in this, admired, respected, trusted, and loved him. What more can be said of any man's service? But marked as was Senator CLAY's success here, his greatest success was in winning and holding throughout the years the confidence and love of the people who so signally honored him. With them his death was a great personal bereavement. Senator CLAY has passed into the great beyond, which passing is lamented beyond expression, but it is "STEVE" CLAY, the man, whom his people miss and mourn. They loved him, not because he was a Senator, but because he was a true and trusted friend, a loyal and unselfish neighbor, a gentle but courageous man. It was because they loved him that they made him a Senator. I voice their sentiments when I say that in his death Georgia mourns the loss of one of her great sons, great

because he was a manly man, great because on merit alone he won and held high place and in it always did his duty, great because he loved his God, his country, and his fellow man. He came, he was, and now he is no more. We rejoice that he came and that we knew him; we mourn because in this life we shall know him no more, nor soon upon his like look again.

Mr. ADAMSON. Mr. Speaker, the death of Senator CLAY was a sad blow to his friends and a great loss to his country. His lingering illness filled us with apprehension and prepared our minds in some measure to expect the announcement of the end, but our estimate of his worth was by no means decreased thereby, nor our sorrow diminished. He bore his long illness with a faith and fortitude surpassing heroism and nowhere equaled outside of the life trials and triumphs of a Christian. Physical courage may animate and sustain the hero to rush upon the enemy and brave danger in the shock of battle, scorning carnage and death raging round, in reality being stimulated thereby to greater and loftier daring. Far different is the case of the sufferer lingering for years under the ravages of wasting disease, knowing he can never recover, but conscious that his end is near. With full knowledge he looks the monster in the face and defies him to do his worst, realizing that duty well done, with obedience and faith in Him who triumphed over death for us all, will set at naught the dread power of the fell reaper. Senator CLAY knew for two years that his health was irrevocably gone and that his days were numbered, yet he continued cheerful and genial. Though his friends importuned him to suspend work and prolong his life by rest and treatment, he steadfastly refused and continued to work. He said that his constituents had honored and trusted him, and he must continue to serve them as long as his strength permitted; that if death must needs come it should find him at his post of duty, and nothing else should remove him therefrom. He literally worked for his people, even down to the hour and article of his death.

Senator CLAY's sickness and death presented a nobler spectacle even than that prophesied by the sublime poet, who saw—

"The last of human mold  
That shall Creation's death behold."  
"Amid the wreck of matter and the crash of worlds"  
The Spectacular last "lone one stood  
With dauntless words and high,"  
And bade the dying sun, fading  
Into universal destruction and gloom,  
"Go tell the night that hides thy face  
Thou sawest the last of Adam's race  
On earth's sepulchral clod  
The dying universe defy to quench his immortality  
Or shake his trust in God."

How different the case of Senator CLAY. Racked with pain, prostrated by an incurable affliction, communing only with himself and his God, unstimulated by spectacular phenomena or sublime and terrific events, he, patient and uncomplaining, conducted his private domestic affairs, directed his official business, responded to the demands of his constituents, all the while surely, rapidly, and consciously approaching his dissolution, yet, relying on his Maker and his Saviour, he answered his summons without a tremor or a fear, and calmly laid his feeble, wasted body down to rest, while his spirit, freed from pain and care, soared to realms on high to receive the glorious reward of the brave and the faithful.

I knew Senator CLAY longer and better than did any other Representative or Senator. Our friendship, genuine and uninterrupted for more than 33 years, did not depend upon any accident of fortune, nor was it ever affected by any exigency of politics. Usually we agreed, but when we occasionally differed he manifested his accurate understanding of the American principle of political liberty by entertaining his own opinion without protest, anger, or attempted proscription if his comrades should act upon their own judgments. That is a rare quality, professed much oftener than it is practiced. Senator CLAY fully exemplified the doctrine in practice. If, like him, we could all realize and show forth the doctrine that liberty of opinion means that we can all think as we please though we differ in conclusion and action, conditions and feelings would be much improved. A man who asserts his own liberty of opinion, with the reservation or assertion that his neighbor must agree or be proscribed, denies his own freedom and impeaches his own manhood rather than that of his neighbor. If one is free, all are free, and all may think and all may differ, yet all be true American patriots striving for the same end—true principles and good citizenship.

I first met ALEXANDER STEPHENS CLAY at Douglas superior court in 1877, soon after we had both been admitted to the bar. We were both young, hopeful, and poor. "Fellow-feeling made us wondrous kind." We had no idea of ever going to Congress.



We did believe, however, that we could make as good lawyers as some of those we saw making a living at the practice, and we tried our best. Conditions were such that we could not avoid participating in politics, but not to an extent that interfered with our practice of law, though he did in turn become a member of both branches of the legislature and presided over both with great credit, afterwards serving as chairman of the Democratic State committee. Twenty years after our admission to the bar we both came to Congress, he to the Senate and I to the House. Our friendship of 20 years was not terminated thereby, but became more intimate and intense. He was, in the full sense of the word, a working Senator. He made few long speeches, but many long friendships. He so ingratiated himself into the favor of his associate Senators that he could accomplish as much of a personal, local, or nonpartisan nature as any other Senator, if not more. He was always ready to work and would respond with alacrity to any call of duty, night or day. He loved his friends and very few acquaintances were not his friends. If I had no other evidence of his goodness here and his acceptance on high than his love for his fellow-man, I would feel warranted in believing that his disembodied spirit passed from suffering and love of his fellow mortals below to the glory and comradeship of the blessed above. We are taught that our love for the brethren is sufficient evidence that we have passed from death unto life.

If a man saith I love God, and hateth his brother, he is a liar; for he that loveth not his brother whom he hath seen, how can he love God whom he hath not seen?

Whosoever shall give to drink unto one of these little ones a cup of cold water only in the name of a disciple, verily I say unto you, he shall in nowise lose his reward.

Senator CLAY did more than give a cup of cold water to the thirsty little one. He gave overflowing cups of joy to all who knew him. "Verily he went about doing good."

As an American statesman he left an enviable record. True to his oath and to the people, he would have been true to the people without the oath. He never sanctioned oppression, nor did he ever consent to "grind the face of the poor" by speech or vote. He never helped to enthrone might or enrich class to the oppression of the weak or the robbery of the masses. He never aided in enacting class legislation to enable a few to exploit the many, nor to establish unequal laws permitting men to grow rich by compelling their neighbors to pay extortionate prices. He lived and loved the doctrine that opportunity should be left as free and equal as natural conditions would permit, and that legislation should never increase inequality for the benefit of special interests to the detriment and impoverishment of the general public. His record was true to the Constitution, the welfare of the people, and the cause of righteousness. I offer this simple tribute to the memory of a model husband, provident father, affectionate, dutiful son, good friend, true patriot, able statesman, and Christian gentleman, not in the spirit and vernacular of laudation, but in the language and fervor of true friendship, prompted by a heart that loved and honored him in life and now after his death proudly commends his life and record to the youth of the land as furnishing an object lesson for study and encouragement and an example worthy of imitation.

Mr. HUGHES of Georgia. Mr. Speaker, it was my pleasure and joy to have known Senator CLAY from his vigorous young manhood to the close of his illustrious life. This friendship grew and increased with the passing years. He knew I loved him.

This genial gentleman, whose genius won for him a place among the foremost statesmen of his day, came from that sturdy stock of southern yeomanry who defy all obstacles in the pursuit of laudable ambition. The father and mother of this kind, noble, and lovable son still live to revere his memory and to look back over his life, which has been a beacon light in every hour of their lives. His father was a small farmer, accustomed to the ax, plow, and hoe. Together with his wife, who was as gentle as industrious, he faced the stern realities of farm life throughout the darkest days of Georgia's rehabilitation, when want, devastation, and sorrow hovered over the Southland, so impending that hope was deferred and despair caused many a weary soul to yield to the seemingly inevitable and sink into an untimely grave. Not so with the elder Clay. He met every storm in the vicissitudes of life with rigid determination, never despairing, determined to conquer for wife, children, and country. The mother was, indeed, his helpmeet, for it was she who radiated light through every cloud, brightening the rugged pathway of their lives as they moved onward and upward to comparative independence and comfort in a modest country home.

Such were the father and mother of STEVE CLAY, who rose to illumine the life of his parents and honor his country with his goodness and greatness.

Senator CLAY was born and reared on a farm, receiving his early education in the country schools and between the plow handles. He was ever willing to labor with his father in building up the home, and as he grew his dream was to lessen every burden of father and mother. As he could be spared from the farm he was sent to the near-by schools, for his parents were determined to lay the foundation upon which he could build a higher education through his own efforts, a wise provision of which he took advantage later in life.

By indefatigable energy and determination Mr. CLAY won in the great battles of life, leaving an object lesson to every determined boy which inspires regardless of poverty and adverse surroundings.

Having performed every kind of farm labor, young CLAY knew the meaning of hard work, economy, and sacrifice. His struggle on the farm implanted in his very soul the fact that diligent labor was the factor which pointed to success in any field which he might enter, and his success in his first work on the farm aroused a desire for greater achievements and broader fields. While still a young man, and just after he had graduated from Hiawasee College, he taught school and studied law during his leisure moments, being admitted to the bar in 1877. His earnestness, his application, his devotion to duty in this profession not only attracted attention but clients, and the young attorney rapidly attained a position of prominence in the State as one of its ablest lawyers. In this profession he won distinction.

He entered politics with the same zeal that characterized his progress and successful attainments on the farm and at the bar. After a short service in the House of Representatives of Georgia, he was elected speaker of that body, stamping himself as a master of parliamentary law; and his adherence to justice in his rulings increased his popularity, the popularity that had made him a great favorite and a leader in Georgia politics. He left the house to accept a term in the State senate, and served with great distinction as its president, displaying his same wonderful knowledge of parliamentary practice and procedure. At this time it was predicted that he would, ere long, occupy the gubernatorial chair, but, instead, he was soon elected to the United States Senate, in which body he was conspicuous; and his service there so endeared him to the people of his native State that he was elected to the second and third terms without opposition. Mr. CLAY's political life was untarnished; he was true to principle and there was no power which could swerve him from it. His life is emblematic of all that is pure and noble, a heritage more precious than gold, which is handed down to the young men of Georgia and of this Union as an example worthy of emulation, as a star of hope to those striving for success, honor, and renown.

Senator CLAY was filled with faith, hope, and charity. He had faith in his God, his country, and his fellow man, and that faith was made more beautiful by hope, which was as bright as the midday sun, dispelling every passing cloud, radiating its glory to his fellow man, leaving inspiration wheresoever the rays might fall. But his greatest trait was charity, which made him good as well as great. It permeated his every purpose in life. He saw the good in mankind, and under his cheering smile and heartfelt encouragement many have overcome great obstacles and conquered despair.

He was firm as Gibraltar in his convictions, which were only reached after careful and painstaking investigation. He was immovable when he felt he was right. He was broad and readily recognized the rights of others, even though they were opposed to his interest. He was powerful in debate and spoke with the force of a logician—so often destructive to his opponents. He used argument, not coercion. He was as persuasive as he was logical and never left a scar intentionally. His language was never of doubtful construction, but he did not sting with invective in order to place in the RECORD remarks attractive only for vitriolic effect—so common to many whose leading traits in speaking are bitterness, instead of logic tempered with justice, the weapon of a statesman in debate.

He knew, regardless of all the nobility and goodness in man, that still he was not perfect; that it was not given to human beings to be without faults. But he looked upon these faults with a loving and forgiving heart, and it was his wont to minimize them.

There was never a new Member of the House who, when he met Senator CLAY, was not drawn to and attracted by him. He realized that which has not occurred to some Members, that new representatives deserved consideration and aid instead of

indifference when entering upon their new duties. Older Members are prone to forget that their knowledge was largely acquired through the school of experience, and do not lend a helping hand to new Members. But it was not so with Senator CLAY. One of his greatest pleasures was to lend a helping hand, and his kind heart would cause him to go to the rescue of a friend long before his aid was asked.

Such a man, whether born in a mansion or humble cottage, lives great and dies great. Such a man was CLAY.

In his home life "beauty walked hand in hand with duty." He was ever a dutiful son, an indulgent, loving father, a faithful husband.

I attended the last sad rites paid to this distinguished Georgian at Marietta, Ga., his home, where he was known best and loved most. Here his friends gathered, sharing the grief of his loved ones as he was placed in his last earthly resting place, amid wreaths of flowers. These emblems of purity were tokens of love and the tears in every eye were the response of bleeding hearts.

Mr. BELL of Georgia. Mr. Speaker, it was my privilege and pleasure to have been personally acquainted with the late Senator ALEXANDER S. CLAY, of Georgia. Since my first knowledge of him I was convinced that he possessed many noble virtues and characteristics, and during my acquaintance with him, covering a period of more than 20 years, nothing ever occurred to convince me in any degree that he was not a conscientious, noble, true, and patriotic southern gentleman. He was a man of strong convictions, yet liberal and generous. While cherishing his own convictions, he was broad and well balanced and conceded to every man the right of his own views and decisions, if at all in keeping with any sort of fairness or justice. He was a plain, unpretentious man, but forceful and intelligent. He was generous to a fault, and no needy person, so far as my knowledge of the man goes, ever left his door except believing in his heart that STEVE CLAY, as he was affectionately called, was a real friend to his less fortunate brother. He was a lawyer of great ability, was successful as an attorney, as a business man, and as a legislator in his State as well as in the councils of the Nation. His achievements in politics were due to his indomitable energy and perseverance, coupled with his faithfulness to his friends wherever found. I was always glad to have his friendship, because it was not that of an ordinary man, but one of force, power, and devotion. While he never lost sight of the fact that he was a United States Senator and always sustained himself in the estimation of his fellow Senators, he was likewise the active representative of the individual citizen residing within the borders of his own Commonwealth, and he could always be depended upon to watch and protect the interests of those who appealed to him for aid. He was an intense man. There was that about him which drew to him the regard of men. In the line of his official duty concerning his people, their wants and wishes, he served them with a fidelity as unswerving as Gibraltar's rock. So much might be said of this manly man and of his life, which was so full of kind thoughts and good deeds, but what more need be said when we can safely say of him that he was true to himself, his country, his family, and his God. One of the most beautiful traits in Senator CLAY's life and character was his loving devotion to his wife and children. He always confided in me, and I knew of some of his trials and vicissitudes, and he always spoke so tenderly of the wife of his bosom and of his boys, for whom he was so much concerned. He said to me on more than one occasion that his greatest object in life was to set a good example for his children and leave such footprints on the sands of time that his children might point to him with pride as their father and protector.

It was my privilege to attend the last sad rites of this good citizen and friend, and my heart was touched when the great throng of anxious people filled the large church to overflowing long before the hour of his funeral and to witness the beautiful floral offerings which bore eloquent testimony of the love and esteem in which he was held in his home city. This statesman, husband, father, friend, is gone from us, but his influence remains. The recollection of his goodness and tenderness will always be a light to lead and guide us to a higher and better life in this world and remind us that there is a better life beyond the grave, for the good and faithful are not only promised the life that now is, but that which is to come.

Mr. CULLOP. Mr. Speaker, ALEXANDER STEPHENS CLAY, late a Senator of the United States from the State of Georgia, was born September 25, 1853, and died November 11, 1910.

During the period contained within said dates his life's work will be found, and we pause a little while here to-day from the

daily routine to review and consider his service to his State, his people, and his country, as a tribute to his memory.

With him the door of opportunity is now closed to change, alter, or renew his career, and to a generous public it is now submitted for judgment upon the work performed, the results accomplished, and the influence he exerted, with the fond hope that it will be approved by the verdict of his countrymen.

Senator CLAY was born and reared to manhood in Georgia amidst turbulent scenes and impressive environments enacted in his State. It was during that age of life when incidents irrevocably fix their imprint upon the memory of individuals; it was during a period freighted with revolution, which disturbed both domestic and public institutions and formed and fashioned a new order of public affairs.

When the Civil War broke out he was of sufficient age to understand its awful consequences, and bear witness to its destruction of both life and property, its obstruction to both domestic and civil progress, and its paralyzation of all material development.

Georgia, his native State, was blessed with a great storehouse of natural wealth, abounding in mineral resources, attaining advanced development, a rich fertile soil in a high state of cultivation, producing enormously, divided into fine farms and large plantations, containing cities of thrift and enterprise, diversified manufactories, turning out annually vast cargoes of finished products, entering all the commercial marts of the civilized world, yielding enormous returns in profits on the investments of her people, blessed with a State government with a low tax rate and without a single dollar of bonded indebtedness as a result of the wise and prudent administration of its public officials. All these he learned as a boy around his father's hearthstone, where public questions were discussed and parental instruction diffused in the family circle.

He saw the great transformation of all these beneficent public policies which had been instituted by the patriotic influences of his revolutionary sires, who learned their lessons in public duty around the camp fires of the Revolutionary War as colonial soldiers, fighting for the cause of human liberty. He saw all this changed by the cruel fate of war, until the fertile fields were laid waste and the fine plantations destroyed, and both become the camping grounds, battle fields, and burial places of hostile armies contending in deadly strife. He saw the beautiful homes of her people burned, their improvements destroyed, and their occupants scattered, the thriving industries of her cities paralyzed, their productions cease, and these hives of human industry become the rendezvous of idleness and vagrancy, the development of her natural resources stopped, her mines and quarries cease production, and her commerce fade from existence, her towns and cities reduced to ashes, her wealth, the product of nearly a century's toil, economy, and business sagacity, dissipated; her internal improvements, sources of great public profit, constructed through the wisdom of her statesmen, crippled and become burdens on the people, bankrupted installed through the corruption, extravagance, and improvidence of her State officials in the administration of her State affairs, and deficit take the place of surplus in her public treasury.

He saw the nominal taxation of property which had been ample to support her State government displaced and in its place a tax levy enforced which amounted to confiscation to defray the public expenditures of her imported carpetbag government, which administered her public affairs and despoiled her credit. He saw a government without debt converted into one with a public indebtedness which equaled the entire cash valuation of all the property within the State subject to taxation for public purposes.

He saw, under the reconstruction of her State government after the war, the remnant of property not destroyed by the ravishes of war confiscated by unscrupulous officials holding the public offices and directing her legislation for the purpose of spoliation, through pillage and plunder for selfish gains multiply the burdens of an already exhausted people oppressed beyond endurance; the high standing of the once proud State changed from its famous position and placed on the verge of repudiation and financial dishonor.

For more than 12 years of his early life, during its formative period, he witnessed this transformation, this interval of hardship and of public and private disaster, all of which was indelibly written on his memory. Reared to manhood under such circumstances and amidst such troublous scenes, educated in this disastrous school of experience, well fitted him for public office, for service in the interest of the citizens whose representative he became, and whose duty it was to serve for the restoration of their rights and the advancement of the public



welfare. It qualified him, as no other experience could have done, to faithfully execute the trust a confiding constituency intrusted to him, and it seemed the ever-pressing desire which actuated him in his public career was to keep inviolate this purpose.

When he arrived at the full estate of manhood, blessed with a dauntless courage, a rigid determination to do right—essential and indispensable qualifications for a public servant—he was called to the legislature of his State to serve for 10 years to aid in restoring good government to its people, reorganizing it on a high plane, that it might redeem its imperiled credit, reestablish public confidence, and inaugurate for it a prosperous condition which it was so well fitted by nature to enjoy. This work he so well performed, this duty he so satisfactorily discharged, that the people of that State thrice elected him to a seat in the United States Senate as a reward. What better approval, what higher commendation for public service could any man desire?

As an illustration of his purpose, I might add a single instance, characteristic of the man and his regard for public duty, which came under my own observation. I met Senator CLAY upon my entrance to the Sixty-first Congress at the beginning of the special session. We lived at the same hotel, and were daily thrown together. During the consideration of the Payne bill by the Senate we met one evening, and while discussing the events of the day, with much emphasis, referring to a certain schedule which had been considered by the Senate that day, he said: "CULLOP, I voted wrong to-day on that schedule; it was against the interests of the people of this country and for the great material benefit of an interested few. I did not know it at the time. I have learned the fact since adjournment. To-morrow I shall have an opportunity to correct that vote, and I shall do it."

When the morrow came he did correct it and voted his convictions. Here was an evidence of the effect of the wonderful training and experience through which he had passed bearing its beneficial results on the man who had seen the effects and tasted the hardships which the betrayal of official duty and honor have upon the people. He knew what official misconduct meant and the injury it could inflict upon a helpless people, and for this reason he could not tolerate it or permit it whenever he could prevent it.

The example is worthy of emulation and proclaims him worthy of the confidence the people of his State reposed in him and the high estimation he maintained for them as a reward for their partiality for him. Faithful in public life, whatever the station he occupied, whether in the council of his home city, the legislative halls of his native State, or in the Senate of the United States, the greatest lawmaking body in the world, he erected to his memory a monument more enduring than any that could be built of marble or brass, which the cycles of time crumble to dust, while the other will exist so long as people cherish faithful service as a virtue of great moment in the discharge of official duties.

Life has its ending, men come and go, they perish from the earth and their places are rapidly taken in the surging scenes daily enacted around us; but the work of a man, faithfully performed, for the betterment of the people of a great nation, for the uplift of humanity, for the elevation of a nation's ideals, for the advancement of its progress, lives on and redounds to the glory and advancement of a civilization which can never stand still but must ever move forward or it is doomed. His efforts were expended to aid its progress and accentuate the diffusion of its blessings among a people who are destined to lead the march of the nations of the earth in every effort to attain a higher destiny and a more perfect Government—a nation whose benefits should, like the rains from heaven, descend for the nourishment of all alike, and invigorate the poor that they may be able to cope with the great, and that its legislation should be so wise and just that it will strengthen the weak and grant no special advantages to the strong. With him life's work is ended; to it he can not add a cubit or take from it an atom. It is a finished volume, on the pages of which will be found inspiration for the young who are entering its portals, striving to attain a place in the public eye for the purpose of advancing the great cause of improved conditions for the human race.

Pause but for a moment and review the period covering the 57 years of his life—a period that has no parallel in all the history of the world. No like period of recorded time witnessed such a transformation, such an evolution in every department of life. Human agency never before made such development or human ingenuity witnessed such discovery; the brain and muscle of man were never so productive. To repeat its progress would be only a narrative of its wonderful achieve-

ments, and a comparison with any other similar period of time would only emphasize its glorious and wonderful results.

Considering this great historical fact, coupled with the troublous scenes he had witnessed, the hardships he had encountered at the outset of his career because of his location in the storm center of the Civil War, where battle and bivouac were all about him, we find ample reason for his ambition to support and aid in the wholesome administration of public affairs and the betterment of his people, a most laudable purpose and a virtue worthy of praise.

Like a tall and mighty oak in the great forest he has fallen to rise no more; from the shifting scenes in the panorama of life he has passed forever, but the work he performed, the example he left, will remain as the heritage he bequeathed to posterity; and an admiring constituency, which conferred upon him the highest honors within its gift, will extol his work, praise his virtues, and emulate his example, that the rising generations may take courage and redouble their efforts in scaling the imperial heights in order to gain fame and attain an enviable position in the never-ceasing struggle of mankind for a higher and better destiny.

Every worthy life, it matters not how humble or how great, that goes out on the boundless ocean of eternity leaves some work done, some act performed, some word said which constitutes a shrine around which faithful and devoted friends weave a wreath of affection and on which they lay a garland of glory as an evidence of appreciation and as a token of grief that the world may know that the work of a man lives after he has gone from among men and that mortality is succeeded by immortality; that we do not live in vain; that death is not the end.

In the soil of his native State he sleeps in the everlasting embrace of death, to wake no more. Surrounded by the friends of his lifetime, who enjoyed his victorious march to honorable station, who mourn his untimely death, who will ever cherish his memory, emphasize his virtues, and hold sacred his public services as a rich legacy of priceless value, devised as a heritage to his people and his State, for the inspiration of both to strive for higher ideals in public service and better standards of government, for the advancement of every good and noble purpose as the best and safest plan for the perpetuation of free government for a great and mighty people in a great and mighty country.

Mr. LEE. Mr. Speaker, the very wide disparity between the halting and feeble expression that I am able to give my feelings on this occasion, and the depth and bitterness of the loss and sorrow that the death of my friend has brought me, render the sad duty of to-day doubly depressing.

From the very beginning of my service he was a father and a brother in one to me. Wise, kind, gentle, and patient, he was in very truth a godfather to me in the years of my inexperience and a safe and prudent counselor always. Our friendship and intimacy knew no interruption until the unsparing hand of death ended it forever.

It is a comforting thought now to me that I did not wait till his great heart and brain were cold in death to acknowledge my obligation and gratitude to him. His several illnesses and long feebleness in the latter years of his life gave his friends warning and opportunity to show their deep and warm attachment. His eyes closed on earthly scenes with a more gratifying realization than come to most of men—of the high regard in which he was held by friends and associates.

Mr. CLAY's public life was not meteoric; on the contrary, his career shines with the steady light of a fixed star. Like hundreds of our public men who rose to eminence, he was born on the farm and his early education was had in the public schools of his native county. Already in the days of his youth he was distinguished by patient and intelligent application to all allotted tasks. If he did not grasp subjects of study at a glance, he no less surely encompassed all its essentials, even all its details, by persistent delving, and this valuable quality of persistent, insistent investigation characterized everything he undertook after he had grown to man's estate.

In due time he came to the bar and in his chosen profession soon gained the respect and admiration of his fellow practitioners, who could not fail to recognize his paramount ability and his many lovable and engaging traits of character. His people, estimating his uprightness and ability at their true value, successively sent him to the city council, to the general assembly, and to the State senate. In the assembly he was made speaker; in the State senate he became president. These were large honors and he wore them well. His decisions as presiding officer were models alike of fairness and of clearness. He made great impress upon the laws of Georgia. Finally, there

came to him the highest honor his State could bestow—his elevation to the Senate of the United States—and from his first election in 1896 to the day of his death there was no man in Georgia to doubt the wisdom of retaining him in that place just as long as he would be willing to serve.

His first election to the Senate of the United States was the only contest he ever had to make for that high station in the public service. The "recall" would have had no terrors for him had it been operative in Georgia. His chief concern was to discharge faithfully his duty as he saw it; his chief pleasure to be helpful and kind to family and friends. The knowledge and abundant evidence I have had that he included me among the latter is a most pleasing reflection. He died in the harness; for years his waning health and strength warned him to desist from his labors, but he would not. The unyielding perseverance of his whole life upheld him; the flesh might be weak, but the spirit was strong. And thus he fought the good fight to the very end.

Mr. CLAY's senatorial career is marked by that unswerving adherence to the precepts of honesty and fair dealing, to which I have already referred. For him there was ever but one line of conduct—that which was dictated by right and equity. From that line he never deviated.

In the Senate, as elsewhere, he gave scrupulous attention to all his duties. He served on four of the most important committees—Claims, Commerce, Post Offices and Post Roads, and Public Buildings and Grounds. On each and all of these he did his full share of work, and his reports on any bill assigned to him were always luminous and exhaustive of the subject. Having ever in mind the welfare of the country, yet he did not fail to have due regard for the interests of his State and its people, and it was due to his watchful care no less than to his ability in conciliating opposing or conflicting views that many times relating to the cities of Georgia and to her rivers and harbors were treated with liberal consideration in the Senate.

Almost from the very day of his appearance in the Senate he took an active part in the discussion of all important measures. It can be safely asserted, I think, that in this respect he was equalled by few of his colleagues, and excelled by none. Without the witchery of highest eloquence, yet he rarely failed to impress his audience, even those whose views and opinions differed from his, by the patent honesty of his convictions, the clearness of his statements, the exhaustive treatment of every phase of the matter in debate. His uniform courtesy was notable. Never in all the discussions in which he took part did a word escape his lips that bore the sting of bitterness, nor was he ever guilty of insinuations against or aspersions upon the motives of those opposed to him. Thus it happened that he was always sure of a respectful hearing, no matter what might be his attitude upon any question at issue.

To recount even partly the important subjects in the discussion of which he participated would be to call the roll of all the great debates in the Senate while he was there. I shall content myself with naming but a few, such as the annexation of Hawaii, civil government for the Filipinos, the Philippine tariff, the Railway Mail Service, ship subsidies, the railroad rate bill, the codification of the penal laws, emergency currency, liability of common carriers to their employees, postal savings banks, the establishment of a Court of Commerce, and, above all, the intricate questions of tariff legislation. In respect of the last named of these his great speech against the Sugar Trust, wherein he showed up in glaring colors the iniquities of that corporation, stands out in bold relief. It was the ablest indictment framed in the public forum against that organization.

Senator CLAY's voice never faltered in proclaiming truth nor in denouncing falsehood. For him there never was, never could be, any compromise between that which was right and that which was merely expedient. "We will never desert principle, even to obtain victory," was his proclamation in one of his speeches against ship subsidy. He was loyal to his Government as he was to his party, which to him stood, to use his own words—

for absolute justice, equality of rights, economical and honest government, and equal opportunities for all men under and before the law.

But the time allotted me will not allow elaboration or even mention of the long list of great services rendered his State and Nation by this pure-hearted Georgian. Mine is the simple duty and privilege of laying a chaplet of friendship and love upon the bier of a noble and unselfish friend. Senator CLAY's character may well be epitomized in the words of one whom he quoted in one of his speeches in the Senate:

The end of all worthy struggle is to establish morality as the basis of individual and national life, to make righteousness prevail, to make justice reign, to spread beauty, gentleness, wisdom, and peace; to widen opportunity, to increase good will, to move in the light of higher

thoughts and larger hopes, to encourage science and art, to foster industry and thrift, education and culture, reverence and obedience, purity and love, honesty, sobriety, and disinterested devotion to the common good—this is the patriot's aim, this his ideal.

Mr. EDWARDS of Georgia. Mr. Speaker, occasions like this always mark sad days in recording the proceedings of Congress, and to me this is particularly a sad one.

We are here to pay this last tribute of respect to the enduring memory of one who was in close fellowship with all of his colleagues in both the Senate and the House. To the memory of one who was admired and honored by thousands and beloved by all who knew him well. To know such a man as we eulogize to-day is not only to honor and admire him, but it is literally to love him for the countless and beautiful traits of his noble character and for the genuine big-heartedness that was an unalterable part of him.

I have listened closely to the eloquent and touching tributes reverently offered here to-day, and at times, in my mind's eye, I have again seen, so plainly, the tall impressive form and the sad but kindly face of my departed friend that I have almost been moved to speak to him, even though I know his ears are forever sealed in death to human voices. So lifelike is the mental picture I have of him to-day that I can almost see his firm and evenly shaped lips move in speech, as if to give utterance to some lofty argument in defense of the rights of the people, whose champion he always was; or as if to speak some word of cheer or of comfort, as if to speak good and not evil, as was his invariable custom. The mental picture of such a man and the history of such a spotless life is an inspiration to all those who have it hung among the other great pictures on memory's wall.

Great men are not made. Environment has a great deal to do with making a man, but truly great men are born and not made. A great spirit was born into this world, on a farm in Cobb County, Ga., on the 25th day of September, 1853, and that was the late Senator ALEXANDER STEPHENS CLAY, to whose imperishable and loving memory we offer our tender tributes to-day.

From a farmer boy, after the completion of his education at Hiawassess College, he became a school-teacher and engaged for a short while in the noble work of training the minds of the young. He studied law, was admitted to the bar in 1877, and was an active practitioner of his chosen profession for many years. His worth was soon known by his people. He was elected and served as a member of the city council in Marietta, Ga., and then thrice elected and served in the house of representatives from Cobb County, the county of his birth, in the halls of the Georgia Legislature, in the last term of which service he was elected speaker of the house, in which position he acquitted himself with great credit. True to the people, meriting and holding the respect and confidence of his fellows, with his worth as a public servant more apparent than ever, he was elected to the State senate, and was chosen and served as president of that body, gathering about him increased fame and greater honors in the fearless and able discharge of his duties in that exalted position. That he was a great and true Democrat was evidenced by the early recognition given him as such in his promotion, in 1894, to the high position as chairman of the State Democratic executive committee, in which place he also proved himself worthy.

There were even greater things in store for this boy from the Cobb County farm. He had in this time firmly impressed himself upon the people not only of his county and senatorial district, but upon the people of the whole State, and the eyes of all Georgia were turned upon "STEVE" CLAY, as he was affectionately known. So when a vacancy occurred he was elected, in 1896, to the United States Senate, to succeed Gen. John B. Gordon, where he served the people of the Nation with fidelity and signal ability until he was called to a higher office in the great beyond. So we see him, a boy on the farm, then a school-teacher, then an earnest advocate at the bar, then a representative in the State legislature, then as speaker of the house, then in the State senate, then as president of the senate, then at the head of the dominant political party in Georgia, and lastly in the United States Senate.

What an inspiration such a career should be to the boys of his State, as they behold the success of this great statesman, as step by step he rose, with his face ever toward the goal of his ambition, to the highest office in the gift of his fellow Georgians.

That he was a great lawyer, a great man, a great politician, and a great statesman no man will deny. Yea, he was all of this and more, but his greatness did not lie in these alone. He was great in the simplicity of his manner and in the sweetness and gentleness of his tender, brave, and courageous heart. He was warm-hearted and sympathetic, ever ready to listen and to aid.



He was a tireless worker and was ever ready to respond to the requests of his friends when it was in his power to help them. He was a slave to duty, and through his great energy he was able to accomplish much. Like the great commoner, Alexander Stephens, for whom he was named, he was a man of the people, and gave his life in the service of the people whom he loved and who loved him and of his country, to which he was devoted and truly patriotic.

His death, while expected on account of his ill-health for several months, was nevertheless untimely and sad, and ended the masterful labors of one of Georgia's most beloved and greatest sons and the career of one of the Nation's greatest statesmen.

Let us therefore tenderly cherish his memory and emulate the virtues of his splendid career in private and public life.

While he was called hence before he was an old man, yet if life is measured by what men do and accomplish he had both lived long and wrought well. I am sure he passed to his Creator without a complaint or a regret, for he obeyed in the letter and the spirit the invocation—

So live that when thy summons comes to join  
The innumerable caravan which moves  
To that mysterious realm where each shall take  
His chamber in the silent halls of death.  
Thou go not like the quarry slave at night,  
Scourged to his dungeon, but sustained and soothed  
By an unfaltering trust approach thy grave  
Like one that wraps the drapery of his couch  
About him and lies down to pleasant dreams.

Mr. BURNETT. Mr. Speaker, ALEXANDER STEPHENS CLAY was born a little more than seven years before the dark war clouds broke over our beloved South. There were only four months' difference in his age and mine. We were both reared amid the mountains and valleys of that section of the South where wreck and ruin were wrought by both armies during the last two years of that Titanic conflict. To the women and children in country homes the horrors of war in that unfortunate section bore with hardest and harshest rigor.

Senator CLAY's family were people in humble life, and to such the gaunt visage of want often appeared while the booming cannons and roaring musketry were heard on every hand. Along the route of the armies, both in Alabama and Georgia, many lone chimneys attested the truth uttered by Gen. Sherman, that war indeed is hell.

Amid such scenes as these the youthful CLAY was seasoned for the hard race that lay out before him. To the southern country boy of those days the only opportunity for acquiring an education was during the two months of July and August, between laying-by time and fodder pulling and sorghum making. Thousands of the brave men who had gone forth in the heyday of youth beneath the Stars and Bars to follow the lead of Lee and Johnston and Gordon had found a soldier's grave among the mountains of Tennessee and the valleys of Virginia.

Upon the youths at home rested to a great extent the arduous duties of making bread for the widows and children of those who gave their lives in defense of a cause they thought was right and a flag they believed to be pure.

In the still darker days that followed the war the embryo Senator, like thousands of country boys, was following the plow and laying the foundation of that mind and heart which afterwards made him the idol of his people. In spite of all the vicissitudes and privations amid which his early life was spent, the sparks of a laudable ambition burned brightly in his mind, and he seized every opportunity presented by those strenuous days to acquire an education. Struggling through the country schools, he entered college, and acquired a good education for the country boy of those days. Having studied law, he at once became a leader in that splendid profession.

He soon became interested in politics, and when he was but little past 30 years old he was elected to the lower house of the legislature of his State, and in a little while was made the speaker of that body. In 1892 he was called higher by his people and elected to the State senate, of which body he was at once made president. The Democratic Party of the State of Georgia, recognizing the splendid elements of leadership in Senator CLAY, soon called him to the head of that party in the State.

But greater honors than even these were in store for this noble son of Georgia. His people knew that in him they had a man of the common people whose every heartbeat was in unison with theirs and whose loyalty to them was never doubted. He knew their conditions, because he was one of them; he sympathized with their adversities, because he himself had felt them; he knew their rough places in life, because he himself had trod them; they confided in him, because he never betrayed their confidence; they followed him, because they knew that in him they had a faithful leader; they loved him, because he loved

them; they honored him, because he was worthy of their honor. They honored themselves by honoring him with a seat in the United States Senate.

My acquaintance with Senator CLAY was more intimate than with any other Senator except those from my own State.

One of the splendid navigable streams of Alabama is formed by the junction of two rivers at Rome, Ga. Senator CLAY, ever alert to the interests of his people, was always a friend of that river. This river runs through my district, and my interest in improving its navigation brought me in close relations with Senator CLAY.

I always found him in this, as in all his other public duties, active, untiring, intelligent, honest, and courageous.

He had the faculty of going to the bottom of every important question, and in a short time his great ability was recognized by his colleagues in the Senate and he was assigned to some of the most important committees of that great body. I have heard that Senator Hanna once said of Senator CLAY that, by his active and aggressive opposition to the ship-subsidy bill, he gave the Ohio Senator more trouble than any other man in the Senate.

But he is gone, and Georgia will miss his great, honest mind and heart, and, with Georgia, the Nation mourns. His family and friends mourn him, not as one who died without hope of the future, but they know that he died as he had lived, an honest man and a Christian gentleman, and that—

Beyond the sunset's radiant glow,  
There is a better land we know.

And that in that better land the soul of their loved one—

Rests under the shade of the trees.

Mr. BARTLETT of Georgia. Mr. Speaker, "Death aims with fouler spite at fairer marks," and surely the Great Destroyer and enemy of man has been busy during the Sixty-first Congress. With silent, sure, and remorseless activity he has gathered abundant harvest to his ever-filling, but ever-unfilled, garner—the tomb. Since last we met six United States Senators and four Representatives have passed on to—

The undiscovered country, from whose bourn  
No traveler returns—

and each Sabbath finds us here in the House paying our tribute to their memories, demonstrating that the fatalities amongst the Members of this Congress have far exceeded that of any other in its history. All that they possessed—station, learning, ability, rank in office—all that they hoped for, could not for a moment stay the hand of the Great Destroyer. Silent, but sure and remorseless, he has heeded neither youth nor age, genius nor learning, poverty nor wealth, tears of relatives and friends nor the cold indifference of strangers.

It has been well said that our life is a fountain fed by a thousand streams that perish if one be dry; it is a silver cord twisted by a thousand strings that part asunder if one be broken, and death lurks in ambush in all our paths. Among this number of Senators and Representatives who are called away from the Halls of the National Legislature to—

Join the innumerable caravan which moves  
To that mysterious realm where each shall take  
His chamber in the silent halls of death—

was ALEXANDER STEPHENS CLAY, late a Senator from Georgia. I come to-day to pay my tribute to his memory.

Born on a farm in the mountain country of Georgia in 1853, when suddenly called from life to eternity in 1910, he had by force of his own character, ability, and energy and efforts been a member of the council of the city where he resided; representative in the House of Representatives of the Legislature of Georgia; speaker of that house; a State senator and president of that body; a United States Senator from that Empire State of the South; then elected by a loyal and devoted constituency for three consecutive terms; truly this is a record of public service which is allotted to but few men, and which should and does demonstrate the worth and character of our dead friend; and when we know he merited all the confidence and trust a generous people of county, district, and State bestowed upon him, we must say that Senator CLAY was a remarkable and a great man.

In his own biography in the Congressional Directory he states that he was born on a farm; and from his own lips I have often heard him speak of the arduous labor and toil spent as a boy in order to aid his father and his family and secure means to educate himself. He was never ashamed of his early trials and struggles. He knew, for he felt as all true and noble men feel, that no man should entertain anything of shame in looking back to early struggles with adverse circumstances and no man should feel worthier pride than when he has conquered the obstacles in his path.

I had known Senator CLAY and been associated with him for nearly 30 years. When we were both struggling young practitioners at the bar, I first met him in attendance upon the supreme court, and during all these years our friendship has been close, warm, and lasting. I was associated with him when we were both members of the Georgia Legislature, and I knew him intimately when he was speaker of the house and president of the senate. As a lawyer, he was industrious, attentive to the business intrusted to him, faithful to his clients, respectful to the court and to its authority; he sought for the truth in a case, and while he did not possess the fire of eloquence that other advocates may have had, yet the sincerity and earnestness of his convictions were such as to carry great force to the court and the jury. He soon attained the high position as leader of the bar of his section, and the plain, honest, mountain people amongst whom he lived soon became aware of the fact that in his hands their interests in the court were always safe.

As presiding officer of both house and senate, he was fair, impartial, firm, and just. This is demonstrated by the fact that when his term of office ceased, both as speaker and as president of the senate of Georgia, he had an army of devoted friends all over the State who rallied to him when he became a candidate for the United States Senate and elected him over distinguished and able opponents.

He came to the United States Senate in 1897. He soon attained a prominent position there, and it was not long before the Senate, without regard to party, realized his merit and his worth, and he was not only respected and admired by all, but loved by many. While Senator CLAY was not an orator, whenever he undertook to take part in the debates of the Senate he so thoroughly prepared himself upon the subject by laborious study of the subject which he undertook to discuss that he demonstrated the power of logic and reason which he so eminently possessed. His speech upon the ship-subsidy bill in opposition to that measure, where he met in the arena of debate men of marked ability and learning, distinguished him as an eminent thinker and debater. His speech on the tariff bill in 1909, on the subject of the Sugar Trust, evinced great research and labor, and attracted the attention not only of the Senate, but of the whole country. So efficient were his services in the Senate, so gratified were his friends and the people of the State which he represented so ably upon the floor of the Senate, that at no time was there a suggestion of opposition to him, and the people of Georgia would have been content for him to have remained in the Senate as their representative for many years could he have been spared to them.

Senator CLAY was a lovable man. The law of love dwelt abundantly in his heart, and in him was mingled the milk of human kindness. He was most agreeable in his intercourse with all men. He had patience, courtesy, love of truth and justice, and above all, courage to do what he believed to be right. Unlike many men in high office, he did not hesitate to do the small things for his friends. The details of the departments, items of local legislation, for the erection of public buildings in small towns, appropriations for rivers and harbors upon the small navigable streams, these and a multitude of similar detail matters were given earnest and prompt attention by Senator CLAY for his constituents, and in endeavoring to aid the Representatives from his State, as though they were of the most vital importance.

Strong and robust and healthy when he came to the Senate, a long life of service and duty was promised him, but without warning some two years ago he was taken ill. Probably, if he had taken the advice of friends and physicians, he might have prolonged his life, but he deemed it his duty to remain at his post in the Senate and to represent his constituents, and heedless of the advice of friends, family, and physicians he stood at his post daily representing his people and performing his duties, and when he went home the strain was greater than nature could bear, and the silver cord was broken, and he has left us.

He was a most loyal and faithful husband, a fond, indulgent, and affectionate father, and a true and unfaltering friend. He was loved by the people where he lived, and thousands gathered around his tomb when we buried him, and the whole country wept. He died when little advanced beyond the prime of life, but his success is equal to that of the favored ones of the day. He accomplished much, he acquired success, friends, and the confidence of all who knew him. When he was so suddenly called away from us and all these, the past yielded to him a great deal of gratifying retrospection, the present offered the richest elements of happiness, and the future beckoned and called him to high honor and ample resources of enjoyment.

What a noble example has Senator CLAY set for the young men of his State! True diligence, industry in business, regu-

larity and loyalty in every undertaking, honesty and uprightness in all his conduct with his fellow man both in private life and public station, surely this is the basis of our social relations. This was the secret by which he achieved so great a success, and it should be an example on which the young men of our country should be proud to form themselves, an example that refutes the dull maxim of idleness and profligacy, and points out the sure and true road and the only true highway in the Republic to honor, fortune, and reputation.

The life of Senator CLAY thus ended teaches us that there is a land elsewhere than this where the souls of such men go and live in immortality, for—

Such men are not forgot as soon as dead;  
Their fragrant memory will outlast their tomb,  
Embalmed forever in its own perfume.

We shall not see him again in this life, but we hope and believe—yea, we know—that in a glorious city, a great and distant city, he has entered a mansion incorruptible, "not made with hands, eternal in the heavens." Our friend, as we do, believed in—

That God which ever lives and loves,  
One God, one law, one element,  
And one far-off divine event  
To which the whole world moves.

[Mr. LIVINGSTON addressed the House. See Appendix.]

LEAVE TO PRINT.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent that all gentlemen who desire to do so may have leave to print remarks on Senator CLAY for five legislative days.

There was no objection.

#### EULOGIES ON THE LATE REPRESENTATIVE BROWNLOW.

Mr. GORDON took the chair as Speaker pro tempore.

Mr. MASSEY. Mr. Speaker, I offer the resolutions (H. Res. 983) which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of the Hon. WALTER PRESTON BROWNLOW, late a Representative from the State of Tennessee.

*Resolved*, That the next adjournment of the House shall be considered a particular mark of respect to the memory of the deceased.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. MASSEY. Mr. Speaker, I rise for the purpose of paying an humble tribute to the memory of my predecessor in this House and to voice, inadequately though it be, the deep sense of the irreparable loss sustained by the people not only of the first congressional district of Tennessee, but the entire State, in the demise of my distinguished predecessor, Hon. W. P. BROWNLOW.

WALTER PRESTON BROWNLOW was one of my most devoted personal friends, and I admired him as one of the ablest, most useful, and resourceful public men I ever knew. From our first meeting I was attracted to him; I never knew a man who possessed in so high a degree that indefinable quality termed "personal magnetism"; I at once became his friend, and I take pride in saying that friendship was reciprocated. I championed him in all of his conflicts, some of them most strenuous and bitter, though all of a successful character; and I take pride in the fact that I, in the language of my own beloved mountain people, "stood by him through thick and thin."

Mr. Speaker, I not only admired and liked Mr. BROWNLOW, but I loved him, and the passing years increased rather than diminished my friendship for him. I appreciated his wonderful ability and had the utmost confidence in him.

Mr. BROWNLOW was born on the 27th day of March, 1851, at Abingdon, Va., the county seat of Washington County, and within 15 miles of the line separating the State of Virginia from the district he had the honor to represent. The place of his birth, as we all know, is historic, and now more than historic in the hearts of the people of the first district of Tennessee.

Mr. Speaker, since Tennessee's admission to our great Federal Union, 115 years ago, no one has represented my district in Congress as long as did Mr. BROWNLOW, with the exception of the Hon. John Rhea, and, had Mr. BROWNLOW lived, he would have surpassed Mr. Rhea's period in length of service. Mr. BROWNLOW had been nominated for an eighth term in a district where the nomination of his party is equivalent to an election of from ten to fifteen thousand majority. The people of my district were strong adherents of the Union cause in the Civil War and furnished to the Federal Army more soldiers



than any district in the United States—all white—and under the leadership of Mr. BROWNLOW the Republican majority has been increased some 15,000. His supporters were not confined to his own party.

Mr. Speaker, until Mr. BROWNLOW came to Congress the first congressional district of Tennessee had never had a dollar of public money appropriated for any purpose, but during the time he served he had established a fish hatchery at Erwin, Tenn.; a public building at Bristol, a rapidly growing city of about 20,000; a public building at Greeneville, and another at Johnson City, all among the most prosperous and growing cities of the South. He also caused to be established at Greeneville, Tenn., the burial place of former President Andrew Johnson, a fourth-class national cemetery, the only one of this class ever established by the Federal Government. There was a poetic justice in this tribute to Andrew Johnson. He rendered, as we all know, invaluable service to his country, which was recognized by the National Union Convention of 1864 at Baltimore, when he was nominated for Vice President on the ticket headed by the immortal Lincoln.

And, Mr. Speaker, in addition to all this, Mr. BROWNLOW had erected in his district, at a cost of \$2,100,000, a National Soldiers' Home, and this home was the pride of his whole life. It is situated in one of the most beautiful sections of the mountains of east Tennessee, where the atmosphere is the most desirable and the water bears the finest test as to purity. The climate is unequalled, and one of the greatest pleas rendered by Mr. BROWNLOW before the American Congress for the establishment of this home was that it would be located in a latitude the most desirable in the country, being 1,600 feet above sea level. He was so much interested in this home that he and his wife lived there, notwithstanding that he owned a home of his own at Jonesboro, Tenn., one of the most palatial in upper east Tennessee, and his pride in this home was evidenced by his dying request that he be buried in its cemetery by the side of the Union veterans, for whose comfort and in whose interest he had it established. After he had viewed its final completion he was not satisfied, but his every thought was for the well-being of its inmates, who were not only the veterans of the Union Army, but of the Spanish-American War, including many of the sons of old Confederate veterans. First, he conceived the idea of furnishing reading matter for the inmates, so he wrote to that noble philanthropist, Andrew Carnegie, requesting that he contribute to the erection of the library building, and in answer to this appeal he received a check of \$25,000 for the library building; with this sum he had erected a splendid building, superior—because of the cheapness of building material in Tennessee—of any that could have been erected in other sections of the country for the same money. To get books for this library—there being no public money for the purpose—Mr. BROWNLOW wrote to all the leading publishing houses in the country, and in response to this appeal he received 16,000 volumes of the best literature of the world in history, poetry, and fiction.

In addition to this it occurred to Mr. BROWNLOW that in the hospital in this home the old soldier, left alone in the world, without having those he had loved the most around him, should have something more than bare walls to look upon while sick, and he wrote to the leading art firms, describing, as only Mr. BROWNLOW could describe, the home, and asked them to contribute one or more works of art, framed; and in answer to this request he received valuable works of art, sufficient to cover the walls of the hospital. Then, again, it occurred to this man of wonderful resource and brain that the old soldier should have music during his declining years, and while on his sick bed he wrote to many firms in this line, requesting that they contribute to this grand cause, and in response to this appeal he immediately received valuable pianos and other musical instruments. But, not yet feeling that his work was complete, he procured, without cost to the Government, one of the best artists in the country to fresco and decorate the dining room. This was done in elaborate style, and for beauty and work is unequalled in the South, or, I might say, in the entire country.

Mr. Speaker, I mention these details to show the intense interest he had in this noble institution. In the very center of our glorious Southland he has placed this magnificent home, an object lesson and typical of the generosity of our glorious Republic; and in this connection I might say that a movement is now on foot to erect a monument to the memory of Mr. BROWNLOW. But while I am heartily in sympathy with the movement, and look forward with pride to the unvailing of this monument, at the same time no monument of stone or marble is needed to perpetuate his memory in the hearts of the people of our country, as the National Soldiers' Home at Johnson

City, Tenn., will ever stand as a monument to his untiring energy, brain power, and love for his fellow beings.

As the days that come into the lives of these men  
Cause them to lose their years and are young again,  
When the wrinkles flee from the careworn face  
And the smiles that flow have unwonted grace,

These are the days when life is sweet,  
When past and present and future meet,  
To blend in a halo of heavenly light  
And crown all things with a glory bright.

Mr. Speaker, Mr. BROWNLOW in his private life was above reproach; he lived for those around and about him. I believe, Mr. Speaker, if a man ever lived a life of self-denial and devoted his life to his family, friends, and country, that man was WALTER PRESTON BROWNLOW. He believed that in "casting his bread upon the waters it would be returned to him many days hence." In this connection I wish to speak of a little incident in his life, told me by his wife several years before he was elected to Congress. A newspaper article one morning denounced him in very scathing terms, and upon his reaching home his wife said, "Did you see this article, Walter?" and he replied, "Yes, my dear." "Well," said his wife, "what are you going to do about it?" To which he replied, "I shall do nothing about it." "Well, why won't you do anything about it?" "Because, my dear, if I stop to take up all such matters as this I will never reach the place to which I have started." "For what place have you started?" To which he replied, "The United States Congress."

As to whether he took the wisest course, I leave to the decision of his friends in the first district of Tennessee and in the United States Congress.

Mr. Speaker, as previously intimated, Mr. BROWNLOW needs no monument of marble and stone to perpetuate his memory, for above all this is the affectionate and grateful regard and love of the people whom he so long and so faithfully represented.

Mr. Speaker, I desire to have published in the CONGRESSIONAL RECORD, as an appendix to my speech on our distinguished and much-loved Congressman, Hon. W. P. BROWNLOW, the speech made by the Rev. Dr. Ruble, chaplain of the National Soldiers' Home in Tennessee, which is as follows:

ADDRESS OF REV. J. A. RUBLE, CHAPLAIN MOUNTAIN BRANCH SOLDIERS' HOME, DELIVERED AT FUNERAL OF HON. W. P. BROWNLOW, JULY 11, 1910.

Our subject is a character at once great and unique. Losing father at 10 years of age, with the handicap of poverty, as well as lack of early educational opportunities, nevertheless we see him rising until his name and influence became truly national. This is impossible anywhere except in a Republic, and rarely occurs here.

May we pause in the presence of the newly-stirred earth to inquire how this occurs. In the exigencies of war, men attain dazzling heights, becoming really great with almost abrupt suddenness, but Col. BROWNLOW launched his bark on a placid sea, and amid the tranquil environments of peace did a work and reached an influence which will render his name immortal, giving him an exalted and permanent place among our national legislators. Estimated by his influence on the lawmaking power of one of the world's greatest nations, by what he achieved for his people, and also by his helpfulness in achievement for the whole Nation, we can but feel that he was truly great.

That we may better understand the work and worth of this man, let us pause a moment for analysis and comparison. Serving in Congress for 14 years, it is probable that history will attest the truthfulness of the statement that no other Congressman has been able to do more for his people, and but very few as much. Again, see him as he stands related to the many great illustrious lawmakers furnished by the grand old Volunteer State in her history spanning a period of more than a century of years.

Disclaiming a purpose, and deeply desiring to avoid being invidious, love for his memory and loyalty to truth will allow the statement that no other has ever wrought so fruitfully or achieved so much. Endowed far beyond the ordinary with resources almost limitless, he brought to his task untiring industry. He studied the needs of the people of his State and of the Nation, and in a continuous effort he dedicated his splendid powers of brain and heart to supply them, which effort was crowned with marvelous success.

The Mountain Branch of the National Home for Disabled Volunteer Soldiers, with its cost of more than \$2,000,000, located near Johnson City, Tenn., and which Corpl. Tanner, in the address on Decoration Day, May 30, 1910, characterized "Among all the branches of the National Soldiers' Home you stand as the capstone," the National Cemetery, located at Greeneville, Tenn., where repose the mortal remains of President Andrew Johnson, known among his people as the "Great Commoner," the fish hatchery at Erwin, Federal buildings at Bristol, Johnson City, and Greeneville, stand as monuments to his genius for hard and successful work.

He worked more hours per day and took less rest than any other man the speaker has ever known, and the fact that "his sun has gone down while it is yet day" attests the truth, well known among his friends, he died a martyr to hard work.

A most noteworthy characteristic of this public servant was his sympathetic heart power. Greatness of intellect renders achievement possible, but where this is reinforced by the warmth of heart power success is far greater and more satisfactory.

Into his great heart all classes and conditions of the people could enter and be made welcome without ringing the door bell. In the many, many that we have seen approach him, from the worthy old veteran on crutches to the struggling laborer, whose family was then suffering for the necessities of life, he never turned one away wounded, but when he could do no more he would send them away with the memory of a brother's tear.

He was truly national. In the points which differentiate the great parties he was Republican, but as Congressman he was the servant of all, and in his efforts to discharge the duties of accepted responsibility his efforts had in them far more of business than of sentimental politics; and while the congressional district which he served was a historic battle ground in the sad and stormy days of the sixties, the position of this people being peculiar in that they were radically divided in their sympathies, many loving and clinging to the Confederate cause, more loving and clinging to the cause of the Union, thus causing the desolating waves of grim visaged war to sweep back and forth like a simoon, leaving the hates and prejudices as a blighting inheritance to the good people, here his marvelous influence as a peacemaker is seen and felt, so that when the end came the people, irrespective of party, felt that they had lost a real friend.

He was a firm believer in the Bible, believing that Jesus Christ stands for the highest good in the universe. He always felt and showed the greatest reverence for sacred things, and as the end approached he expressed faith in the spiritual and eternal, prayed earnestly and much, and invoked the prayers of others.

**Mr. RICHARDSON.** Mr. Speaker, the life of **WALTER PRESTON BROWNLOW** presents a most interesting and unique history. In its varied lines and endeavors it forms a book of life that deserves study and admiration. Every incident and event in this remarkable man's life, from his early youth to manhood, marks him as possessed of an energy, determination, and courage that never hesitated or faltered when difficulties, obstacles, or embarrassments were encountered—and there were more of them in his life than any public man of my acquaintance—and no one met them more courageously and more successfully than **WALTER P. BROWNLOW**.

Like a great many of the great and distinguished public men of our country, his educational opportunities were very limited, but he eminently possessed as a natural gift a fund of good common sense and judgment of men and things that a curriculum of college life could not bestow. It is said, and it is true, that the lives, character, and disposition of men are formed and shaped irresistibly by the conditions, events, and circumstances that surround them in the developing period of youth. It was not so with **Mr. BROWNLOW**. He was reared midst the storms of passion, bloodshed, violence, and hatred, that split asunder the people of east Tennessee in the evil days of the Civil War, from 1861 to 1865.

His distinguished uncle, **William G. Brownlow**, with the potent prestige of the Knoxville Whig, of which he was the famous editor and owner, was an unexcelled factor in retaining the loyalty of his people for the cause of the Union. **WALTER**, his nephew, embraced with all his heart the cause of the Union. Many, a great many, of his neighbors, friends to his own family, his associates, gave their hands and hearts to the cause of the South. All the horrors of an internecine local war, more so than in any of the border States of the South, were enacted in the mountains of east Tennessee. But when peace came and the cause of the Union had triumphed, I affirm with confidence that no trace of harshness, no feeling of resentment for the South or its brave followers, ever found an abode in the generous and kind heart of **WALTER P. BROWNLOW**. He was in the broad acceptance of the term a southern man, with a heart of yearning sympathy for the people of the South. He was always ready and willing with hand and heart to use his great influence in Congress to help his southern colleagues. That was said of him by all men who knew him.

**Mr. BROWNLOW** demonstrated in his successful career that he was a great leader of men. No man environed and besieged with as bitter and hostile political factions, constantly seeking his overthrow, could have defeated their machinations, save a great masterly political genius that made no blunders or mistakes. His triumphs in the first Tennessee congressional district are simply a marvelous record, and it is not the province of a brief sketch like this to present even its outlines. He was in all respects and in all things a loyal Republican, true to the edicts of his party, its platforms, and principles. Necessarily his success aroused jealousies and envies and made for him many strong and bitter enemies, but his true and steadfast friends were far more numerous. He was elected seven times in succession to Congress, and twice the Republican Party of Tennessee conferred on him the honor of a nomination to the United States Senate, and the Republican members of the Tennessee Legislature gave him their cordial support.

In many respects the strenuous struggles that **Mr. BROWNLOW** encountered in life and successfully overcome created a strong resemblance to the life of **Andrew Johnson**, one of the ablest public men produced by our country. No two men engaged actively in the live politics of the State of Tennessee during the span of their natural lives were the continuous targets of bitter political factional warfare in their own parties so much as **Andrew Johnson** and **WALTER P. BROWNLOW**. The eminent success of each of these two men is an interesting and instructive chapter in the political history of Tennessee. They

both have demonstrated what an American youth, unarmed and unequipped in education and unaided by wealth and influential friends, can accomplish in life by an energy that never tires and a determination whose only end is success. It is doubtless true that the most valuable lessons of education are acquired by men who tread such thorny paths, beset with troubles and snares. But the simile between these two noted men, whose turbulent political careers are more familiar to the people of Tennessee than of other States of the Union, is that in all the factional political wars made on each of them no opponent—no personal or political enemy—no one was ever heard to charge that one cent of public money had ever clung improperly to their hands. They were honest, and their constituents knew it. And it was this trait of character, unimpeached and unimpeachable, that was the crowning factor of the triumphs of the lives of **Andrew Johnson** and **WALTER P. BROWNLOW**.

If we judge public servants by their achievements in behalf of their constituents, then **Mr. BROWNLOW** easily takes first rank among southern statesmen of the past 50 years. He made few speeches in Congress, but he did his work in a quiet, calm, dignified, courteous manner that made him friends and achieved success. However much he loved Tennessee and the Union of States, yet his first and greatest love was for the people of the first Tennessee congressional district. He believed that the people of his district justly deserved liberal appropriations from the Federal Treasury for needful improvements, and without ostentation or vain boastings his efforts were rewarded with a marvelous success. My first acquaintance with **Mr. BROWNLOW** was in January, 1901, soon after I entered Congress. The bill for the establishment of the National Soldiers' Home at Johnson City, Tenn., was under consideration before the House of Representatives, and after many speeches on the floor the vote was about to be taken. He came on the Democratic side and took his seat by me. He said to me in a sincere and earnest tone: "I need one more speech for my bill, and it must come from a Confederate soldier who saw service on the field of battle. Won't you make it for me?" I consented, made the speech, and the bill was passed. With his face beaming with a happy, bright smile, he came to me, grasped my hand, and said, "Call on me whenever I can serve you or your people."

And as I recall the 10 years of service with him in Congress that followed, no man could have more cheerfully and willingly fulfilled the promise he made me.

Several beautiful Government buildings, the Soldiers' Home and a fish hatchery, and many other substantial monuments located in the first Tennessee congressional district, representing an expenditure of millions of dollars from the Federal Treasury, stand as silent tributes to the fidelity of **WALTER P. BROWNLOW** to the interests of the people who honored and trusted him so long. It was his success, his devotion to his public duties, that won for him that confidence of his people; that caused the poisoned shafts of political enemies to fall harmless at his feet. His success and his achievements in Congress bewildered and confounded the schemes of envious men who sought his overthrow. In his public life the inestimable value of a people's confidence was well demonstrated and emphasized. His death marked the fall of one of the most noted of the many great men that Tennessee has produced. It is now, after he is gone, that the full measure of the man and his works can be fully understood and appreciated. His place will be hard to fill.

He has passed forever from the scenes of his struggles and victories. He sleeps in the grounds of the Soldiers' Home at Johnson City, Tenn. It was eminently proper to bury him there, for the home was the creation of his own indefatigable energy. It was the pride of his heart. The brave, war-scarred veterans of the Union Army, who are kindly and gratefully sheltered by that beautiful home by a liberal and generous Government, can well afford to pause midst the scenes of their departing lives and shed a tear over the grave of **WALTER P. BROWNLOW**.

**Mr. HOUSTON.** Mr. Speaker, I came to-day to offer my tribute to the memory of my deceased friend and colleague.

Few names have been more familiar to the people of Tennessee for the last quarter of a century than that of **WALTER P. BROWNLOW**. While he lived in the extreme eastern part of the State, his name was familiar to every section and in every county of our Commonwealth. Not only was he known and honored by his own party during these years, but the people of all parties were familiar with his name and with his work, and looked upon him with admiration and respect. For many years he was a strong and controlling factor in the Republican Party of Tennessee. While his influence was dominant in the party, he was familiarly, and I might say affectionately, called the



"easy boss," and this expression was significant of the manner and way he exercised power and even control in his party. While he was a Republican, he was more essentially a Tennessean and a southerner. No interest of Tennessee, no interest of the South ever appealed to him in vain. In his loyalty to his section he was unfailing, and he brought into activity a vigor, a persistence, and determination to be of service to his people that has rarely been excelled. His lusty intellectual and physical manhood was untiring in his efforts to promote their interests, and the success that attended these efforts has been surpassed by few men in his time. There are many monuments to his untiring labors in east Tennessee and elsewhere. My colleague who has preceded me has called attention to many of them. These will stand as testimonials of his devotion to his country and the success that attended his efforts. His buoyant nature, his strong faith, and invincible will gave to him an energy and a courage that never failed, and in the accomplishment of his purpose few men wrought better than he.

Descended from that hardy pioneer stock that won the Battle of Kings Mountain WALTER P. BROWNLOW inherited the patriotism that inspired his life and, reared in the mountains of east Tennessee, his character was marked by that hardy patriotism and invincible will that comes naturally from such antecedents and surroundings.

My acquaintance with him covered a period of many years in a casual way, and, while I had seen but little of him personally until I came to the Fifty-ninth Congress, I knew much of his public service. He loved his country and he loved his fellow men. He was devoted to the public interest and few men served it more diligently or accomplished so much in the way of acquiring material benefits for his people. In addition to this he loved his fellow men and his life was full of good deeds and kindly ministrations. He loved to render assistance and to extend the helping hand, and untold numbers bear testimony in their hearts to the kind deeds and generous help of this kindly man. Few men gave so much of their time to aid and help those in trouble and few men literally cared for so many people. No man was more loyal to his party or more intensely a believer in its doctrine, yet no man hesitated less to step across party lines to support a measure he believed was right.

He was essentially southern in all of his instincts. He loved the South with all the strength of his great heart and he stood by her interests as he saw it regardless of party ties. It was his misfortune that the Republican Party in his own State was divided in factions in the last years of his life, and, being an ardent and earnest man, he incurred the strong opposition of one faction of his party. This opposition, I think, will now be recognized as a political antagonism only, and I believe those of the opposing faction to him will lose sight of their former differences and now remember only the ardent, generous, kindly man; and that now, after life's fitful fever is over and he has been laid to rest in the mountains of his own native country, his personal virtues, his warm heart, and his generous devotion to his friends and his country will be the characteristics that are remembered.

For many years I have had a warm and intimate relationship with some members of his family connections and have had occasion to know much of the place he held in their hearts and their regard for him, and the affectionate pride with which they looked upon him; and this is a testimonial of his inner life that furnishes one of the best tests to the real man. Those who knew him best in his home life, as well as in his public walks, believed in him with a faith and confidence that amounted to veneration. And, after all, the love and confidence of those who know the home life is the best evidence and truest test of the real man.

The public life of this man is a striking example of what may be done and accomplished by indomitable will and never-tiring energy. He was born of a family that were among the striking characters and distinguished figures in the history of Tennessee. His early life was surrounded with stirring events and great political agitation. He was thrown upon his own resources at an early and tender age, and he made his way, step by step, overcoming difficulties, and steadily forged to the front. He seemed equal to every condition and made headway in every struggle from apprentice boy, locomotive engineer, newspaper reporter, and editor to various positions of honor and responsibility in his own party and finally to the position of Representative in this House. Here he found the field for his great energy and activity, and in this position his work for his section and his country was remarkably successful. Few Members of Congress have done more for their districts than he. He was a working Member of Congress. He was not given to much speaking on the floor of the House, and rarely could it be charged to him that he wasted the time of the House in futile declama-

tion or vain discussion. But when the occasion arose upon questions close to his heart, especially those affecting the interest of his own section, he showed a vigor and power of a high order. One notable occasion of this was when he had a measure pending before the House to protect and preserve the burying place of Andrew Johnson, which lies in the district which was represented by Mr. BROWNLOW.

There developed on the floor a good deal of opposition among the members of his own party to the proposed legislation, and it looked as if the bill would be defeated; but Mr. BROWNLOW came to the rescue with a vigor and an eloquence that surprised the Members of the House. In paying a tribute to the loyalty of east Tennessee, he described the conditions under which the boys from the mountains and valleys of east Tennessee enlisted in the Union Army, showing that it was not done to the "roll of the stirring drum and the trumpet that sings of fame," but that the boys received their mothers' blessings secretly at the back door and told their sweethearts goodbye down by the spring by the light of the stars, and made their way to the Federal Army in secret and under cover of night. The effects of his words on this occasion gained for his bill the support that secured its passage. This was an example of the strength he could bring to bear when the occasion demanded.

The career of WALTER P. BROWNLOW is but another striking example of what may be accomplished by will and resolution. Without the advantages in early life that come from wealth and fortune, without these he struck out on his own resources. He had vigor of mind and body, and boldly he set forth with an ambition and faith that never faltered; and with this capital he wrought, and thus he developed the strong man that overcame difficulties and commanded the confidence and support of his countrymen.

The friends that he had and their loyalty to him bear testimony to his own unfailing devotion to his friends.

In middle age, long before his life had reached the allotted span, he was called to go. His years, though not great in number, were stirring and eventful and his life, measured by the deeds done and work accomplished, reached a full standard.

His taking off in the prime of life and the sudden termination of a career but lately so buoyant with expectation and full of promise is another reminder that at any hour the summons may come, and bids us stand ready for the call. These dispensations are dark and inscrutable to us, but let us hope that to him there is no shadow, no mystery, but that all is glorified with that Light that is neither of the sun, the moon, nor the stars.

[Mr. SLEMP addressed the House. See Appendix.]

MR. HAWLEY. Mr. Speaker, in memory of the distinguished Member from Tennessee, Hon. WALTER P. BROWNLOW, I desire to speak a few words and to present an attribute of his character which strongly appeals to me, and which my colleagues here and his friends elsewhere appear to regard as among his most distinguishing traits.

As said in Tennyson's "In Memoriam," he was the man of "the larger heart, the kindlier hand."

This life is a pleasant vale between the dreamless world of the unborn and the undreamed-of world of those who die no more. Coming into it, the Creator touches our existence with an immortal spark, and if we cherish this as the years come and go, it becomes a light whose color and brilliance distinguish us from our fellows.

This Member from Tennessee attracted us all to him by the simple manliness of his character, the unsullied generosity of his nature, the kindness of his purposes, and his helpfulness. Every man has a great gallery of memories, which begins with the earliest recollection and continues to his latest hour. On the walls of that gallery are pictures that memory has painted of the things that have attracted him most, of the persons whom he has loved best.

There is a memory picture of his mother before which countless perpetual candles burn, each lit in honor of some act of her changeless and unselfish care and love. And in sequence appear pictures hung there of the dreams of youth and the purposes of manhood by ambitions and ideals, of deeds of love or might, by faith and hope, so that if we could enter and, passing through, survey them all we would know each heart as it is known by the recording angel. Into this holy place few are ever admitted. Only personal love or personal attraction opens such doors, for herein is disclosed the naked soul of man. Sometimes in great public stress or by reason of personal affection the gallery is opened and we stand before the hidden thoughts and the secret places of a human soul. It was my fortune once on an occasion to see the man in whose solemn memory we hold these services open his heart, and the beauty of

that inmost picture and the glory of its illumination have lingered in my memory. The act done was not one of great distinction, but rather one of the kindness most characteristic of true manliness, a helping of the helpless, a hand stretched out in aid when there seemed to be none that heard. I have read that the blue dome that spreads above us, the inverted cup of the sky, gets its color from the tiniest particles of dust arising from the surface of the earth or drifting in from interstellar space; that the pencils of white light coming from the sun, containing all the rays of light, have broken out from them their feeblest ray—the little blue ray—and that the particles of dust, like swinging mirrors in the sky, fill all the expanse of heaven with color grateful to the eye and alluring to the heart as the symbol of universal love and trust.

I have read further that the moisture rising from the ground is invisible, and that it can not condense except upon a foreign substance; that it floats in the sky until condensed on the dust into clouds, full of the attractiveness of color and of harvests yet to be; that if not so upheld, the moisture would settle down upon the earth, condensing on every object it touched, until everything dripped with water; but it is said the dust with its tiny fingers catches the invisible moisture of the air, condenses it, carries it over vast spaces inland until it descends in dew and rain to make fertile the fields and to nourish the harvests for the comfort and benefit of man. So that to the smallest things we owe the morn in russet mantle clad, the colors of clouds, and the blessing of the early and the later rain. The world is not made up of great deeds. Kindly deeds are the color and substance of life. The world is not distinguished in the last analysis by the great deeds of great men, important and admirable though they be, but the world as we know it is made up of the countless thousands of loving kindnesses of the innumerable throng of us all. They are the foundations on which we build neighborhoods, communities, cities, States. And this man, though he had many admirable qualities, and was distinguished in many ways, in whose memory many worthy words have been said, and will yet be said, was a man whose distinctive characteristic was his constant and unheralded rendering of assistance and the doing of the kindnesses that take the anguish out of life and put the joy in—the most kindly attribute of human nature.

Affection, kindness, the sweet offices of love and duty, were to him as needful as his daily bread.

That best portion of a good man's life,—  
His little, nameless, unremembered acts  
Of kindness and of love.

As I have heard told the processes of his rise and advancement, and how he moved from one place in life to a higher place, I call to memory the words, as fittingly applied to him:

Build thee more stately mansions, O my soul,  
While the swift seasons roll!  
Leave thy low-vaulted past!  
Let each new temple, nobler than the last,  
Shut thee from heaven with a dome more vast,  
Till thou at length art free,  
Leaving thy outgrown shell by life's unresting sea.

And this man, a friend of us all, year by year, as measured by his achievements, by his advancement, built him a dome more vast until in the fullness of his development he was set free. He will go from the field where he sowed material for a grateful harvest of good with great rejoicing, bearing his sheaves with him, to render his accounting to the dread Lord of all the earth.

Mr. PADGETT. Mr. Speaker, I greatly fear that the condition of my voice will deprive me of an opportunity of speaking of our departed colleague as I should desire. It is not my purpose to-day to speak words of fulsome praise or of foolish flattery.

It is my desire to speak of Mr. BROWNLOW in words of truth and soberness as I knew him from our association together in our work; to give the impress that his life and fellowship made upon me.

He was a man of intelligence. By that I do not mean simply that he was one of the species of intelligent beings, but I mean that he was a man possessing an intellect of that high order and character that gave him a high and comprehensive grasp of the condition of the country, of the State, of public affairs, and lifted him into a region of the higher and nobler and better impulses which characterize the action and conduct of men as individuals and of people.

He was a man of honor. I would not say that he did not have diplomacy. It would be unworthy of him to say that he was lacking in the proper appreciation of that tact which we

call diplomacy that adapts conduct to conditions. But I wish to emphasize the fact that the spirit of honor moved his conduct with the purpose of sincerity and integrity which characterized his life. If there was one thing above another that we can emphasize in the life of WALTER BROWNLOW, it was, as was often spoken of him, that his word was as good as his bond.

He realized and appreciated the value of sincerity of conviction, integrity of purpose, honor of conduct, and fulfillment of promise. I do not conceive any attribute of a man's life that deserves more emphasis, that is worthy of more praise, than to speak of the man and to say of him that he loved honor for honor's sake.

He sought the principle of the good and attempted to measure his life and his dealings with his fellows according to the standard that addresses itself to that higher and nobler conception of humanity that is true, real, and genuine. Moreover, he was a man of a kindly heart. I do not recall at this time a man that you could approach with more confidence of a kindly response to a generous appeal than WALTER BROWNLOW. It was one of the attributes of his life, the warmth, the kindness of his heart, and the sincerity of his affections. An appeal which carried with it the element of sympathy, a demand which had in it the characteristic of human kindness always found in the heart of WALTER BROWNLOW a generous response. In his soul he had the milk of human kindness that always responded generously to a worthy appeal.

He was a man of character. I mean by that stability, purpose, fixedness of purpose, an ideal that rose above the petty trickery of life and found lodgment that gave expression to those characteristics, those elements of human life that measure our purpose and characters, our aims, and our destinies.

He was a man who possessed those elements of character that form the warp and the woof of our being, that give stamina and stability to life, and lift to that plane of moral, social, and intellectual excellency that command the respect and the confidence of every man who loves the truth and admires integrity. Such a man of character was WALTER P. BROWNLOW.

He was a man of fine, practical efficiency, and by that I mean a man of usefulness. He was not an idle dreamer. He did not spend his life in dreaming dreams that never realize. He believed in the practical things of life. He understood human nature; he understood the motives of men, and how to deal with them, and how to accomplish results. The illustrations which have been given by others who have spoken to-day testify to the practical efficiency, the every-day usefulness of the life of this man. His life work left its impress upon his country for good and for its upbuilding.

If you go among individuals many there are who can say, "I am glad that WALTER BROWNLOW lived and that I associated with him and was in touch with his life." Many are they who, testifying individually, can prove his good works. And if we look collectively to the country many are the fruits of his labors that not only to-day, but in the years to come, will be living witnesses of the value of his life and testify the good he did and the impress he made upon his country for its uplift and its upbuilding.

Into that other life, which the soul of man craves as the higher and better life, he has gone, and we speak our conviction and our belief that he entered it facing his fellows and his God with that conviction which comes from duty well performed. We often moralize, Mr. Speaker, and we often speculate upon that life which is beyond. It is not my purpose to-day to engage in it. I simply wish, however, to express this thought, that whatever life hereafter is reserved for the true, the generous, the honorable, and the good, WALTER BROWNLOW will find his fellowship and association with them.

We speak often of the grave eternal; we speak of one being in the grave forever. I do not so believe or regard it. As I stand at the grave of a loved one or a friend, there comes to me the memory of the words of the angel to the women who went early in the morning to the grave on the memorable occasion and said to the women, "He is not here; He is risen." And as I stand at the grave of one whom I love I lift my eyes above the grave toward that higher and better life and say of my friend, "He is not here; he is risen into that glory reserved for the true and the good."

Mr. BYRNS. Mr. Speaker, I consider it a sad privilege to have this opportunity of paying a tribute to the memory of our deceased colleague, Hon. WALTER P. BROWNLOW, who for so many years faithfully and ably represented the first congressional district of Tennessee. Mr. BROWNLOW was first elected to Congress in 1896, and from that time until July 9, 1910, when he quietly passed away at his home in Johnson City, he held, in the very



largest measure, the esteem and affection of the people who had seven times honored him with their suffrages. There was a good reason, Mr. Speaker, for the confidence which his people placed in him. He never betrayed the trust which they bestowed upon him. He never lost an opportunity to serve them and the State from which he came. He was intensely loyal to Tennessee. He loved her people, their history, and their traditions, and the time never was when he was not willing to devote his tireless energy to the upbuilding of his State and the advancement of her people.

It is not my purpose in the brief remarks which I shall make to comment particularly upon what he accomplished for his district and his people. I shall leave that for those who served with him for a longer time in this House. But it may be truthfully said that no Member of Congress—certainly none from the South—ever secured more material and substantial benefits for his district than did Mr. BROWNLOW. It is no doubt true that his success along this line was in part due to the fact that he belonged to and held high place in the councils of the dominant party in the administration of our national affairs during all the years of his public service, and to the further fact that for many years he was a member of one of the most important and influential committees of Congress. But his success was also due to his wisdom and foresight, his thorough knowledge of men, and his ability to recognize and grasp every opportunity which was afforded to secure an appropriation for his district in the form of some public improvement. And, in all candor, it may be said that on such occasions he did not stop to consider the cost to the Treasury. Mr. BROWNLOW was entirely practical in his ideas of legislation. He knew that each year Congress would appropriate a certain amount of money for public improvements, and he made no concealment of his purpose to secure as large a share as might be possible for his district.

I would not be understood as holding that an ability to secure large appropriations from the Public Treasury is an evidence of high statesmanship. Neither did Mr. BROWNLOW have such an idea. He knew that the true value of a Representative's service to his district and his people does not consist in his capacity to secure large appropriations of the people's money for the benefit of his particular district; that securing a public building or improvements of a local value and interest is not of itself an evidence of statesmanship. His talents and energies were by no means confined to endeavors to obtain local advantages. His keen knowledge of men and his conservative judgment was of potent value to his party in the consideration of legislation on the floor, and particularly in the important committee of which he was a member and to which he gave his undivided time and attention. He was quiet and unostentatious in all that he undertook. He was no orator, nor did he aspire to be one. He never sought to cultivate the graces of oratory in order to attract attention to himself. He preferred rather to do his work quietly in committee and on the floor and to trust to results to vindicate the confidence which his people had imposed in him. And yet, Mr. Speaker, there were occasions when he expressed himself with a force and vehemence which showed that whenever the necessity arose he was abundantly able to take care of himself and a cause in which he believed. Perhaps the most striking instance of this fact, as well as of his intense love for Tennessee and the history of her distinguished sons, is to be found in his earnest and eloquent defense of that great commoner, Andrew Johnson, against the post-mortem attack upon his character which appeared in a book containing the personal recollections of Senator William Stewart. This book gave publicity and credence to false insinuations and unfounded rumors concerning the character and habits of Johnson, which were inspired by the rancorous bitterness of the dark days of reconstruction when Johnson, as the President of a reunited people, sought to give aid and comfort to the brave but suffering Southland.

Mr. BROWNLOW knew how unfounded these attacks were and how great was the injustice done to the memory of Johnson and his family. He represented the district which Johnson formerly had represented in Congress—a district in which Johnson had lived and died and where his remains now repose. He knew Johnson's history from the early days of poverty, through all the struggling years until he reached the highest office in the land. And when long years after his death cruel and false accusations were penned as historical facts, Mr. BROWNLOW was quick to refute and denounce them. He did not pause to reflect that Johnson was a Democrat and he a Republican. Nor did he stop to question what some of his Republican associates might think of his rushing to the defense of a Democrat against the attacks of a fellow Republican. He did not care what they or others might think. He only knew that the memory of a

distinguished son, whom Tennessee had many times delighted to honor, had been unjustly assailed. Mr. BROWNLOW was first a Tennessean and then a Republican. And, Mr. Speaker, this sense of justice and fair play in all things and toward all men was one of the chief elements of his character. While perhaps the most striking, this is by no means the most convincing evidence of the loyalty of Mr. BROWNLOW to Tennessee and her people. There are many Tennesseans in the Government service to-day who can testify to his kindness and to his willingness to serve those who appealed to him for aid. I have often heard him say that when his influence and help was sought by a Tennessean in the service of the Government he never stopped to ask the politics of those asking his assistance. There are hundreds in the service to-day who will keep his memory ever green in their hearts because of some generous, kindly, and friendly service done them.

Undoubtedly the achievement of which Mr. BROWNLOW was most proud was his work in securing an appropriation of more than \$2,000,000 to erect a national soldiers' home on the outskirts of his home town, Johnson City. The erection of this splendid home so far south was a great achievement and shows the great influence and personal popularity he possessed in Congress.

As a result largely, if not altogether, of his efforts, this magnificent home was built under southern sunny skies, amid the splendid mountains and beautiful hills of east Tennessee and in close proximity to those great battle fields of the South, where was proven the prowess of those who wore the blue and the gray, and where glory and luster was shed upon American valor and American manhood. This great home stands as a lasting monument to the memory of Mr. BROWNLOW, and the old soldiers who wore the blue, and who in their declining years find shelter and comfort under its roof, are living reminders of his devotion to them and the cause for which they fought and in which he steadfastly believed. And it was but fitting that when the inexorable and merciless hand of death beckoned to BROWNLOW, and his earthly career was finished, that his mortal remains should have been laid to rest beneath the greensward which surrounds the home in which he took such a pardonable pride.

Mr. Speaker, Mr. BROWNLOW was a man of firm and positive convictions. There was no halfway ground with him. He had strong views upon all subjects, and, having the courage of his convictions, he never hesitated to give expression to them. He was a party man in the strictest sense of the word. In short, he was a partisan. He believed in parties and party organization as necessary to the proper administration of government. He stood steadfastly by his party's organization and never failed to vote with it on all measures which involved party principle or party procedure. But while this was true, he was broad and liberal in his ideas, and his respect for the opinions of others was such that he entertained no ill will or unkindly feeling toward any man who might differ with him or who belonged to the opposite political party. Intensely loyal in his friendships, always courteous and ever obliging, he numbered among his warm friends many of his Democratic colleagues, and it affords me, a Democrat, believing just as firmly and unalterably in Democratic principles as he believed in Republican principles, a sad but sincere pleasure to testify to-day to his great worth as a man, his eminence as a citizen, his usefulness as a public servant, his loyalty to his people, and his patriotic devotion to his country.

From an humble beginning Mr. BROWNLOW rose to a high place in the confidence of his people and in the legislative councils of his country, as a result of his untiring energy, his indomitable pluck, his good sense, and his sterling worth. In his early years he was trained in the school of stern necessity. Later on he became the secretary of his uncle, Hon. William G. Brownlow, known as "Parson" Brownlow, and one time governor of Tennessee. Mr. BROWNLOW often referred with pride and gratitude to the training he had received under his distinguished uncle, and attributed to it much of the success which he subsequently achieved. He possessed the spirit of optimism to a very rare degree. It was not his custom to complain at fate or misfortune. He believed always in the eternal fitness of things, and it was a part of the philosophy of his religion to look on the sunny side of life. No higher tribute could be paid to him than to say that he sought to be faithful in all things, that he tried to do the right as God gave him light to see the right. Hence it was, sir, that when fatal disease placed its relentless hand upon him and he was warned that the time of his departure was near at hand, he could meet his fate with cheerful fortitude and serenity, and—

Like one who wraps the drapery of his couch  
About him, and lies down to pleasant dreams.

Mr. AUSTIN. Mr. Speaker, it is with the most profound feeling of sorrow that I rise to say a few words in memory of the Hon. WALTER PRESTON BROWNLOW, a Representative in this body from the first district of Tennessee, who died at the National Soldiers' Home near Johnson City, Tenn., on the 8th day of July, 1910. Not only was he my colleague here officially, but for many years he was an intimate companion—my guide, counselor, and friend—and I miss him as I would a dear and valued kinsman. I was fortunate enough to be associated with him in the discharge of the duties of his office when he was the Doorkeeper of this House, and also when he first became a Representative in this body, and in all our intercourse I am proud and pleased to say that I can not recall a discordant word or thought between us; but, on the contrary, there was the utmost harmony of purpose and action, and he always manifested a warm and unmistakable regard that was a source of the greatest pride and value to me. His advice and assistance in the performance of my duties and in personal matters, particularly in politics, can not be overestimated in its importance, and he rendered me this assistance disinterestedly and without the least ungraciousness or expectation of return. His death, it is needless to say, is a source of the greatest loss to me, both personally and officially, which I realize every day. The State of Tennessee, too, will feel his loss sensibly, and the first district will never have the good fortune to have his equal as a faithful and successful Representative. As for Mr. BROWNLOW, with my partial eyes I could see no blemish in his character:

His life was gentle and the elements  
So mixed in him that Nature might stand up  
And say to all the world, "This was a man."

Mr. BROWNLOW was born on the 27th day of March, 1851, in Abingdon, Va., where for three years he attended private schools. His father dying when the boy was quite young, he was thrown upon his own resources, and was compelled to help in his own support and to otherwise assist his mother, working as a telegraph messenger boy when he was only 10 years of age. At 14 he became an apprentice in the tinning business, and later on learned to be a locomotive engineer. In these vocations he reported himself creditably, as he did in all his subsequent fields of employment. In selecting the latter occupation, Mr. BROWNLOW, young as he was, it is worthy of notice, was actuated by a strong sense of duty besides that of help to his family. He had in mind the importance of the work he was to do and the help he might be to humanity; and in this he was conscious, as we all are, that to the locomotive engineers the world is under a deep debt of gratitude. It is wonderful to think of the number of human lives and the millions of property that are every day intrusted to and dependent upon the sobriety, nerve, the skill, the fidelity, and the courage of these men. Their duties are among the noblest and most important of the various occupations of human life, and their compensation should be among the highest given to any class of our public servants.

In this employment, however, Mr. BROWNLOW did not continue very long. He aimed at something which the world regards as still higher than the care of a locomotive—something that was calculated to bring him fame and a greater income. He was ambitious to become a newspaper man, and with this feeling he obtained employment as a reporter for the Knoxville Whig and Chronicle—a paper that under the management and ownership of his uncle, the celebrated William G. Brownlow, popularly known as "Parson" Brownlow, previously a Senator of the United States, became one of the most widely known and influential periodicals in the country. He did not find it necessary to remain with his uncle more than a year. In 1876 he made arrangements to go into business for himself, and to this end purchased the Herald and Tribune, a Republican newspaper issued at Jonesboro, Tenn., since which time he has continued as its editor and proprietor, both to his own and his party's advantage. At the same time he entered actively into politics and soon became a representative man. He was a delegate from his district to the Republican national conventions of 1880, 1896, and 1900, and a delegate at large to the national conventions of 1884 and 1904. In 1880, besides, he was chairman of the Republican congressional committee of his district, and in 1882 was elected a member of the Republican State committee, serving eight years as such, during one-fourth of which period he was chairman. In all this political service, it may be added, he was not content to occupy simply a nominal position; he was not a mere figure-head; he was throughout active in the work and rendered his party essential and universally recognized assistance. It is largely owing to this that his own congressional district is one of the few districts in all the South that remains in the Republican column.

In March, 1881, he was appointed postmaster of Jonesboro, his home town, but resigned a few months thereafter to accept the position of Doorkeeper of the House of Representatives, which he held during the whole of the Forty-seventh Congress. In 1884, 1896, 1900, and 1904 he was elected by the delegations from his State to the national Republican conventions as Tennessee's member of the national executive committee, and was unanimously elected chairman of the Republican State executive committee by the members of that body for 1898 and 1899. He was also elected by Congress to be a member of the Board of Managers for the National Home for Disabled Volunteer Soldiers. Twice was he nominated for United States Senator, and in 1898 he was elected as Tennessee's member of the National Republican congressional committee. His most important honors, however, were comprehended in his election as Representative in Congress, being successively chosen to the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses as a protectionist Republican in a district formerly represented by Andrew Johnson as a free-trade Democrat. During this long-continued service Mr. BROWNLOW was quite active, seldom, indeed, appearing on the floor of the House as a prominent debater; but being nearly always a member of some of the most important committees of the House, he was enabled to take a decisive part in the shaping and enactment of legislation. One of the most interesting measures, originated and enacted largely through his influence and efforts, was the establishment of what is known as the Mountain Branch of the National Soldiers' Home, situated near Johnson City, Tenn., in a most healthy and lovely location—one of the most attractive and valuable soldiers' homes in the country.

Not only was he instrumental in having this charming institution created, but he has given sedulous attention to its improvement and its growing wants, never neglecting an opportunity to add to its beauty and its usefulness, as well as to the individual comfort and pleasure of its occupants. His connection with this benevolent work is alone enough to warrant his occupancy of a niche in the Temple of Fame. It places him, with others alongside, with some of the most distinguished personages in the history of the world—beside Queen Mary, of England, the wife of William the Third, to whose tender interest in the welfare of the disabled mariners of her country the naval home at Greenwich owes its establishment; beside Gen. Winfield Scott, the founder of the great soldiers' home at Washington; beside Napoleon Bonaparte, whose love for the old soldiers of France caused the foundation of the Home of the Invalides at Paris; and beside the great host of large-hearted and benevolent men and women all over the world who have turned aside from the private avocations of life to assist in the work of relieving the wants and adding to the pleasures and the comforts of the poor, the unfortunate, and the suffering in the great army of humanity.

As a Member of Congress Mr. BROWNLOW gave his zealous attention to much of the greatest business that came before that body. He neglected nothing pertaining to the duties of a national legislator, but it is a noticeable fact that does not detract a whit from his fame as a statesman that his first and most loving thought was for his State and his district. In his imagination the mountains of Tennessee were the most beautiful in the world. Her rivers were to him the most picturesque, and her brooks and rivulets made the sweetest of music. Her air was the balmyest that ever encircled the beautiful places of the earth, and her skies were not surpassed by those of Greece or Italy. Her fields, rich with the fruit of man's industry and intelligence, were not to be equaled anywhere in the world. Like all mountain-born men, he intensely loved his native soil, and when he left it even for a short time he always longed to get back to it. His thoughts of the people were the same. He loved them, and they loved him. The women were all charming and interesting, and the men were all courageous and strong. Andrew Jackson once said, in speaking of the danger of a foreign war:

Let it come. In a war we will beat them, sir; we can whip all Europe with United States soldiers. Give me a thousand Tennesseans, and I'll whip any other thousand men on the globe.

These were somewhat the views of Mr. BROWNLOW; there was nothing too great for Tennesseans! And in some respects I am inclined to agree with him. It has been my fortune to see a good deal of my own country, and of some foreign countries as well, and I can truthfully say that the people of Tennessee, East Tennessee included, of course, are among the most remarkable of them all. Let these people once see their duty and what can be reasonably expected of them, and they will perform it. If it is a question of "getting there," they will prove equal to the work and get there! Of the future of Tennessee Mr.



BROWNLOW was very hopeful. He saw the wonderful natural resources of the State and knew the capabilities of her people, and he believed that in time she would outstrip Pennsylvania and New York. Of the State's past history he was extremely proud. In the people's early struggles for the settlement and improvement of the country he saw a record of heroism and patriotism that has not been surpassed by any people appearing in the pages of history; he could realize fully the efforts and environment of the early settlers of Tennessee, when every step was attended with danger, when every bush or tree was likely to conceal one or more red enemies, and when the women and children, left at home when the father was either at work in the fields or on the hunt for food, were in constant fear of death or capture at the hands of merciless savages. He looked upon Kings Mountain, fought principally by Tennesseans, North Carolinians, and Virginians, as the great battle of the War of the Revolution, where Cornwallis's men met their first defeat, and that this victory was but a prelude to Yorktown; and he regarded the leaders of the Tennessee pioneers—Sevier, Coffee, Donelson, White, Jackson, and others—as the greatest men in history. To Andrew Jackson in particular, the man who practically brought the Floridas into the territory of the Union and gained the battle of New Orleans, assisted very largely by Tennesseans, one of the greatest victories of record in the annals of mankind, he gave his highest praise and reverence. That unobtrusive monument in the garden of the Hermitage, where the remains of Jackson lie buried, and which to the citizens of Tennessee is perhaps the most cherished spot in all her fair domain, was worthy of every patriot's veneration. He thought that—

Such graves as his are pilgrims' shrines,  
Shrines to no code or creed confined,  
The Delphian vales, the Palestines,  
The Meccas of the mind.

James Parton, in his *Life of Andrew Jackson*, gives the following as a carefully collated statement of the opinions of Francis P. Blair concerning the General, which though seemingly extravagant were no doubt sincere, and they probably came very near expressing the views of Mr. BROWNLOW:

Mr. Blair deliberately concurs in Colbert's judgment that Andrew Jackson was the greatest man that ever lived—the bravest of the brave, the wisest of the wise, the most tender, the most resolute, the most devoted to his country, and the most eloquent of human beings. Fighting men loved him for his valor and cowards loved him for the protection he gave them. No man and no combination of men could ever overcome him. He was victorious on every field. Clay, Webster, Calhoun, Preston, Biddle, the United States Bank, the capitalists, the brightest men, and the most powerful agencies were leagued against him for eight years without gaining over him one important advantage. He attempted nothing which he did not accomplish. He gained constantly in Congress and left his party in a majority in both Houses. His eloquence surpassed that of the most renowned orators. When he grew warm in conversation and his gray bristles shook he thrilled the listener's nerves and souls as no other man could thrill them. No man could resist the impetuous intensity of his speech. He was a man of absolute sincerity, incapable of duplicity or acting for effect. He loved the people with a deep, exhaustless love; believed in them; would have laid down his hoary head on the block for them and counted it gain and glory. He was the controlling soul of his administration at every moment of its existence.

All this may sound like the views of a man somewhat unbalanced in his mind, but we should remember that it is the deliberate opinion of a man of the greatest astuteness, one who seldom went astray himself; and if Mr. Blair entertained such views himself, we can not be very much astonished for making every allowance for the partiality of his friends and admirers—that most of the world should share his opinion. Andrew Jackson, in sober truth, was a wonderful man, and deserving of all the honors and the love which the citizens of Tennessee have heaped upon him.

To the other great men of Tennessee Mr. BROWNLOW gave almost unstinted admiration. And for Andrew Johnson, loaded as he was with the enmity of so many men, he had great respect. But there was another great man—one of his own kinsmen—the illustrious William G. Brownlow, to whom he could not render enough praise or admiration. "Parson" Brownlow was truly an extraordinary man. An unflinching patriot, a man of such devotion to principle that he would have laid down his life rather than sacrifice his truth or his honor. His courage was of that heroic order that no amount of danger or suffering could make him falter or give way in times of trial or difficulty, and his example and loyalty to his country were fruitful of benefit to his State and the Nation. After his election to the Senate of the United States, following after the close of the Civil War, which elevation was in but a small measure a recognition of his unfaltering love of country and his devotion to duty, he was stricken with a nervous trouble, from which he suffered up to the day of his death; but it was a source of pride to his friends and relatives that this affliction, which he bore with resignation, was the only thing in the whole course of his life that had ever made him tremble. With nearly the

whole disloyal element in Tennessee—perhaps in most of the South—embittered against him, imprisoned, and with the halter, metaphorically speaking, around his neck, he was true to his country and his convictions. Congressman BROWNLOW himself, and some of the Parson's direct descendants resembled him in these matters, and could, if circumstances had rendered it necessary, have displayed the same high degree of courage and loyalty.

In the final analysis of the character of WALTER PRESTON BROWNLOW there were several noticeable traits that are deserving of special mention.

He was, for example, perennially cheerful and kind. Nothing seemed to depress him or interfere with his customary spirit of accommodation and good humor. He could cast aside trouble without difficulty and deport himself as if misfortune and ill will were total strangers to him. A pathetic illustration of this was seen in his later years when he was threatened with total blindness. He was an object of much sympathy as he was led about by a guide, unable in many respects to care for himself; but he philosophically bore his misfortune, and was noted during even the worst of his trouble for his unfailing courtesy and good humor. Even if he had to fail, his optimistic and courageous spirit led him to feel that it was best to fall with his colors flying. On the eve of his last physical breakdown a remark is attributed to him, also quoted sometimes as a bon mot of the late Senator Zeb Vance, of North Carolina, which at once illustrates his wit and his unfailing serenity. In response to an inquiry as to his health, he said he ought not to complain or feel discouraged. "He was simply like old Tom Henderson's wagon down in Tennessee—all he needed was a good body and a good running gear."

He was, besides, a man of great frankness and truthfulness. When necessary to state his views or come to a conclusion he did not beat about the bush. He was ready to express his convictions at all times and to let his determination be known. And his word could always be depended upon. He was not lavish of his promises, but what he did promise he always meant to perform, and, indeed, his performance often went beyond his promise.

He had naturally a lively fancy, a happy abundance of wit and humor, and an admirable faculty for telling a story. In the exercise of this latter talent he resembled Abraham Lincoln and many other great raconteurs. His stories were generally used to enforce some truth or as accessories in the accomplishment of some high aim or great duty. His power of repartee, too, was quite remarkable. In conversation or public argument, on the "stump" or elsewhere, he was never taken at a disadvantage, either by legitimate means or by ill-mannered interruption. He generally managed to place his antagonist in a position of embarrassment or discomfiture, but generally without any exhibition of malice or hostility. He always strove, on the contrary, to avoid wounding the feelings of either friend or foe. It was this happy spirit and his talent as a story-teller that made him a favorite of such men as Gen. Garfield, William McKinley, Theodore Roosevelt, William H. Taft, and many other distinguished personages, who never failed to enjoy his quaint and original humor.

As a man of business, Mr. BROWNLOW was reasonably successful. Beginning his career almost without a dollar, he ended life with, for Tennessee, an income adequate for the comfortable support of himself and family; and this, be it understood, without greed or dishonesty. He did not grind the poor, but always stood forward ready to help and serve them. He accumulated his estate without questionable means, and he bore his prosperity without vulgar ostentation or contemptible snobbery.

Finally, when the dread enemy of all of us approached, his end was characteristic of him. He made no indecent manifestation of the love of life. He knew when his end was approaching, and he received the announcement rather as a benediction than a stroke. In the language of Bryant, he went calmly and complacently:

Sustained and soothed  
By an unfaltering trust, he approached his grave  
Like one that wraps the drapery of his couch  
About him, and lies down to pleasant dreams.

Mr. TILSON. Mr. Speaker, I am not a member of the Tennessee delegation and had not the pleasure of serving on any committee with the late Hon. WALTER P. BROWNLOW, but I should be unwilling to let this occasion pass without saying a few words concerning his life, character, and public services.

I was born in the county where he lived, and lived there until I was 22 years of age, when I moved to the State which I now have the honor to represent on the floor of this House. I came to know Mr. BROWNLOW quite early in my life and had the

pleasure of a somewhat intimate personal acquaintance with him from that time until his death. My father and my brothers were his personal and political friends, and I grew up in an atmosphere of friendliness toward him.

It seems to me that it can be well said of Mr. BROWNLOW that he was the product of his day and environment. He was but a boy during the troublous times of the Civil War, but was old enough to learn much from the experience and conditions of those days. School facilities in the part of the country where he lived at that time were seriously lacking, so that it was with difficulty that he acquired the elements of an education. It was also characteristic of the time and place that there was a general lack of ample means among the people of that section of the country.

Having obtained the rudiments of a school education he gained a much broader and more effective education in the rough and tumble of experience. Along with his struggles he acquired habits of industry, tenacity, and pertinacity. He was a tireless worker, never left off when he had begun and never ceased effort until the thing attempted became an accomplished fact. That he was a man of unusual intellectual capacity has never been denied, even by his enemies—and he had enemies. It is also conceded by all that he was a man of forceful character. He became a leader of men, because the force of his character dominated men.

The faculty of expressing forcefully his thoughts and ideas was his in a very remarkable degree. Even in casual conversation his words fell like blows from a sledge hammer. He was particularly happy and entertaining when surrounded by a small circle of friends, and his fund of stories, abounding in homely wisdom, seemed inexhaustible.

He did not belong to the tribe of the self-righteous, neither was he to be found listed among so-called reformers. If anyone had accused him of being such, the accuser would have run serious risk of being enlightened on the subject by one of those clear, concise, emphatic statements of forceful English falling like a thunderbolt from Olympus, for which he was so deservedly celebrated. He looked with suspicion upon much that parades itself under the guise of reform. He had come up by his own strength and effort out of adverse conditions and had climbed over obstacles to a position of leadership and usefulness. He had not created the rules or imposed the conditions of the game in which he was to play a part. He accepted these as he found them and lived and acted within their provisions. To his mind the burden was upon him who proposed a change to justify it. Unless this were done he was inclined to look upon it either as an attempt to gain some unwarranted advantage or to impose upon an unsuspecting public by a hypocritical cry of reform.

He was a hater of shams. His strongest anathemas were reserved for the man who, on the hustings or in the legislative chamber, thunders loudly in the name of the people for what it may bring him in the way of notoriety or personal advancement while in private he seeks every possible advantage for himself and his own.

His creed of public service was simple and well known. He believed in doing things and getting things for his district and people. No Member of Congress ever worked more arduously or effectively for his constituents and district than did he. It was his aim to secure for them all that could possibly be secured within the rules of the game, and this aim and purpose he pursued with unusual ability. He helped others to secure things for their districts and constituents, and they in turn helped him. His aim, first, last, and all the time, was the accomplishment of results for his people. A catalogue of what he accomplished in this direction, some part of which has been and will be referred to here to-day, would be the strongest possible proof of the statement. And after all, while men are fond in the abstract of the high, the lofty, the ideal, yet when it comes down to the measurement of the effectiveness of a public servant it is only human nature to measure it by results. Measured by this standard, Mr. BROWNLOW ranks high among the men who do things. He will be long remembered by the people of the first congressional district, and all the rest of Tennessee, as well as the whole South, as a forceful and effective public servant who left behind him a record of things accomplished which it would be difficult to equal.

Mr. SIMS. Mr. Speaker, the usual topics customary to be gone over in these eulogies of deceased Members have been so completely covered by the gentlemen who have preceded me on this occasion—Mr. MASSEY, Mr. AUSTIN, Mr. BYRNS, Mr. PADGETT, Judge HOUSTON, and others—that I shall not repeat what has been so well and so eloquently said by these gentlemen about the life, character, and services of our deceased colleague, Hon. W. P.

BROWNLOW, but I shall relate some of those smaller occurrences of life which more often enable those who did not have personal knowledge of the deceased to form correct and lifelike conceptions of his distinctly personal characteristics than is otherwise possible.

I never knew Mr. BROWNLOW personally until the extra session of the Fifty-fifth Congress, which convened in March, 1897. I found him to be a warm-hearted man, approachable and of easy acquaintance. I felt from the start as if I had known him all my life. His conversation was always entertaining, even on the most trivial subjects. He seemed to possess an inexhaustible fund of humor, and was unusually bright and original. In order that those who hear and those who may hereafter read these eulogies, I shall somewhat in detail relate some of the occurrences in the service of Mr. BROWNLOW coming under my personal observation which illustrate the temperament and humor of our late lamented colleague.

Soon after the commencement of the Spanish War, Mr. BROWNLOW and I had joined in recommending to the President for appointment as brigadier general of volunteers from Tennessee a certain distinguished and well-known citizen of our State. A few days later I met Mr. BROWNLOW in the street and told him that I had heard that at least one of our Senators had refused to join us in our recommendation, stating that our man had no military training or experience and that it would be dangerous to have such a man in command of raw volunteers in battle. Mr. BROWNLOW replied that—

the man you and I have recommended for brigadier general is like me. He knows the Tennessee boys are brave and impetuous and will fight anywhere, but he loves them too well to ever lead them into any place of danger; therefore, I stand by our man.

I never knew Mr. BROWNLOW to vote against or oppose any appropriation of money coming to the South. On one occasion when some bill was coming up for consideration, he came over on the Democratic side and asked me to support the bill and to do all I could to get our side to do the same. I asked him what about the merits? He replied:

Oh, it is a steal and that ought to make it popular on your side; but, in addition, it is coming South. If we vote for all the steals coming our way for the next hundred years we will not then get even with the North.

After several years' service, Mr. BROWNLOW was appointed on the Committee on Appropriations, and by Members ahead of him going out of Congress and on other committees it was not long until he was near the head of the committee. It was but natural that I wanted to see him become chairman of the committee. So on a proper occasion I mentioned the matter to him and suggested that if he did not manifest a greater disposition toward economy in public expenditures that I feared he would never be made chairman of that great committee, although he might be entitled to it by rank and seniority. He replied:

Now, SIMS, don't you worry about that; if these Yankees get all they want for the North and I get all I want for the South, there will not be anything left in the Treasury to appropriate long before I can get to the head of the committee.

It will be recalled that Vice President Fairbanks, during the campaign in which he was a candidate, was cartooned as a cold, icy man. He was represented as having icicles hanging from his hat brim and beard. I always thought that cartoon did Mr. Fairbanks great injustice. I have never known a man in public life more approachable or more kindly and sympathetic in his treatment of all people with whom he came in contact than was Mr. Fairbanks. It was not an unusual thing for the Vice President to invite a Member of the House to share with him his carriage on going to the Capitol in the morning. On one occasion as I was walking east on F Street I saw the Vice President's carriage in front of me with Mr. Fairbanks and Mr. BROWNLOW seated together and in conversation. In a moment the carriage stopped in front of a store and the Vice President alighted and passed into the building, while Mr. BROWNLOW remained seated in the carriage. When I came up even with him I halted and spoke to him and asked him where he was going. He replied:

Oh, nowhere in particular; I am just taking a ride in the ice wagon.

His reply was so bright and so characteristic of the man that I could not keep it from the newspapers. Not long afterwards Mr. BROWNLOW got sharply after me for telling the occurrence to the newspaper boys, and said that if he got into any trouble with any of his bills in the Senate on account of it he would have my seat contested, and have me thrown out of Congress. I replied:

Just go ahead with your contest; the remark was worth a seat in Congress.

Only a few months after I began my first service in the extra session of 1897, Mr. BROWNLOW passed me in the corridor between this Chamber and Statuary Hall, where the telegraph



operators are located, and noticed that I was sending a telegram and paying the charges on it. He said:

Sims, have you not got a book of telegraph franks yet?

I replied that I had not; that I did not know that such franks were to be had. He replied:

Well, make application for one immediately.

I replied:

How do you know that I want to use them?

He replied:

I don't care whether you use them or not, but I don't want the Western Union Telegraph Co. to know that Tennessee ever sent a man to Congress who did not have sense enough to know what was coming to him and how to get it.

Mr. Speaker, the membership of this House, like the world, is made up of all kinds of men of all kinds of personal characteristics. It is difficult to so treat, in a merely descriptive way, the lives of men so as to fully bring out these distinguishing characteristics.

I think few men were more original than Mr. BROWNLOW, and in order that those who follow him may know of some of the many peculiarly personal traits of this many-sided man I have attempted, without embellishment or exaggeration, to relate some of those occurrences in actual life without which it is impossible to fully portray the real living WALTER PRESTON BROWNLOW.

He has been and will be very greatly missed in this House by those of us who had the good fortune to serve with and to know him intimately for so many years.

He was a true and steadfast friend, a devoted father and husband, and a loyal party man, but without partisan rancor and bitterness.

Mr. Speaker, we regret and grieve that we can never again meet him in these halls, that his voice is silenced forever, that his work is ended; but he will never be forgotten by any living man who ever knew him.

Mr. CANNON. Mr. Speaker, Mr. BROWNLOW came from a family and a community with convictions. He had convictions and he had the courage to defend them. In my judgment these were the distinguishing characteristics of Mr. BROWNLOW, and they are the qualities that have done most for the construction and development of this Nation. They are the qualities we most need in our American citizenship in the future as we have had in the past.

Mr. BROWNLOW came from a stock that has ever been tenacious of the principles it accepted as right. His family had that tenacity, as was well demonstrated in the public life of his distinguished uncle, "Parson" Brownlow. Both of them typified a community in the mountains of east Tennessee, which held to its political convictions throughout the terrors of the Civil War.

These people were within the confines of the territory which was openly at war with the Government, and yet they were openly and actively loyal to the Government and at war with the great majority of the Southern people. Mr. BROWNLOW well represented that people in their convictions, but without any evidence of the old internecine war spirit that prevailed in his State in an earlier day.

He was the friend of every man in this House, and the Members with whom he served were his friends. He was a Republican, believing in the policies of the Republican Party. He was an adherent of these principles openly under all conditions. His courage and his loyalty gave him the respect and the friendship of men to whom he was opposed in politics.

He was not an orator, and never pretended to be that which he was not. He was industrious, earnest, and courteous, and he probably brought the people of his district into closer touch with the National Government than any other Representative who served them in the last half century.

Representing a constituency that had always kept the faith through good report and evil report, he was a true representative of that constituency under all conditions and at whatever cost; he was true to the policies in which he believed, and on one occasion was carried into this Hall to record his vote when his physician said it might cost him his life. He felt that his vote was needed and he came, regardless of the consequences to his health.

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. GARRETT. Mr. Speaker, the State of Tennessee, like ancient Gaul, is divided into three parts—east, middle, and west Tennessee—and the sectional distinctions are recognized in the organic law of the State and play a very conspicuous part in all our relations—social, political, and otherwise. It is, perhaps, unfortunate that there is constitutional recognition of these divi-

sions, since it tends to emphasize sectionalism; but, even if they were not thus recognized, this sectionalism would still obtain in some measure, because the divisions are perfectly natural, both historically and geographically. The State was settled by sections, the eastern part being first occupied by pioneers moving westward from the Carolinas and southwestward through the Gap from Virginia, Maryland, and Pennsylvania.

From the eastern section, following the natural lines of travel, the population passed into the middle and founded settlements in what may be roughly termed the "plateau region." Only these two divisions had been settled at the time of the admission of the State into the Union in 1796, west Tennessee then being known as the western district. It was not until 1818, in fact, that the treaty was negotiated whereby the Indians were removed from this division and it was opened for settlement. It was rapidly divided into counties, and its fertility, combined with the cheapness of lands, caused an inrush by settlers.

But while settled at different times, Tennessee's people, in the main, came from a common stock, so that while there has been inevitably a certain sectional spirit, yet for the most part, by reason of the ties of common blood and descent, there has all along been a deep feeling of sympathy upon the broad question of State progress and development.

Our late colleague, Hon. WALTER PRESTON BROWNLOW, in memory of whom we are assembled to-day, represented the extreme eastern end of the State. His home town of Jonesboro is the oldest town in the Commonwealth, and his county—Washington—is the oldest county, having been organized while the State was a part of North Carolina. Living as I do in the extreme western part of the State, several hundred miles from his home, I did not meet Mr. BROWNLOW until I became a Member of Congress, although he was at the time the most conspicuous Republican in Tennessee. I soon grew to be quite well acquainted with him, however, after coming here and learned to appreciate and esteem him for his many charming and potent characteristics. He was a genial, kindly gentleman. I have not known a man more ready to accommodate a friend. He was, too, a man of really great ability. I often wondered why he never cultivated the habit of engaging in the debates on the floor of the House. He possessed wide general information, was a man of decided convictions upon public questions, had as fine a sense of humor as any person I have ever known, and a gift of repartee that was superb. Had he chosen to do so, I have not the slightest doubt that he could have made a reputation for brilliancy in debate that would have equaled or surpassed his wide reputation as a practical legislator.

I have heard him frequently in private conversation make replies to sallies that if made on the floor of the House would have become classic as specimens of repartee.

He did not cultivate this faculty in debate here, however, but devoted himself assiduously to practical labors for his district and State.

Mr. BROWNLOW was one of the busiest men I have ever known and had a capacity for sustained labor that was surprising. For many years he was the recognized head of his party in his State and distributed the Federal patronage throughout the entire Commonwealth. His correspondence was enormous, but he so systematized his work as to handle it with ease and dispatch. With all this tremendous volume of work upon him he was regular in his attendance in this body, it being rare that he missed a vote.

I often wondered how he found the time to attend to the vast amount of department work that was thrust upon him. I have no doubt that he literally worked himself to death. Although a man of strong physique, his large labors necessarily led him into a sedentary life, and, like many of us here, he did not find time for needful exercise, and gradually his vitality was sapped.

The story of our colleague's life has been so well told by others of the delegation here to-day that it is not necessary for me to enter upon that, and I have chosen rather to refer to his personal characteristics. He was a strong man, of great intellectual breadth, of untiring energy, and unyielding persistency. His political acumen mounted almost, if not quite, to the height of genius. He knew men, knew how to control them and bind them to him. He was a typical representative of the feelings and aspirations and hopes of the bold, generous mountain people, who honored him and whom he served with all the loyalty and devotion of his earnest, hearty, wholesome soul. A partisan of partisans, he always retained the friendship and respect of his political foes by his candor and courtesy.

His people were loyal to him from his entrance into the political arena until the day of his death. He had sturdy opposition in his district at times within his own party, but always triumphed with ease.

I feel a deep and sincere sense of loss by his death. He was my personal friend, and I greatly admired the strength of his character, the charm of his personality, and the vigor of his life and work. He carved out for himself a great career and acquitted himself with fine fidelity. He was a worthy son of the great section from whence he came, and his proud place in the history of the State is quite secure.

As a part of my remarks I beg to include an editorial from the Louisville Courier-Journal of July 1, 1910, the paper so long famous by reason of the greatness of its editor, Hon. Henry Watterson:

The death of WALTER PRESTON BROWNLOW, of Tennessee, removes from the National House of Representatives one of its most popular Members. A bluff, rugged man of generous proportions, with a kindly heart and a keen sense of humor, he was the best of companions. A man of considerable personal magnetism and resourcefulness, he represented a type of politician more prominent a generation ago, when personality was a larger factor in the office-seeker's equation than it is today. It was said of Mr. BROWNLOW that he carried his political machine under his hat. This was not, strictly speaking, true. He knew the value of organization, and possessed a talent for perfecting it that amounted to genius. But there is a difference between draw poker as played between gentlemen and three-card monte as conducted by a fellow of the baser sort for illegitimate profit. Mr. BROWNLOW played draw-poker politics and played above the table. His tactics reflected an absorbing passion for the game rather than an unscrupulous itch for gain, and the evidence of his possession of true sporting instincts commended him to the friendly consideration of the spectator of his activities. His opponents were compelled to admit his brilliant virtuosity even while he was pocketing their losses and they were swallowing their defeat. Although the chips usually drifted toward him as the game progressed, the adjournment of the session usually left the other players in fairly good humor if their flow of sporting blood was equal to that of the victor.

Constituents would be better served and better satisfied, political campaigns would be more picturesque, and Congress would be cleaner if there were a greater proportion of professional politicians of the BROWNLOW type in the field. His state of health foretold several years ago the early termination of his career. His death will be the cause of deep regret in Tennessee and in Washington, and wherever his personal acquaintance extended.

#### LEAVE TO PRINT.

Mr. MASSEY. Mr. Speaker, I ask unanimous consent that all Members be allowed 10 days within which to extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The committee will now resume its sitting, and Mr. CURRIER will take the chair.

#### BILLS ON THE PRIVATE CALENDAR.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of claims on the Private Calendar.

Mr. MANN. Mr. Chairman, I would like to make a suggestion to the committee. Probably a quorum of the committee is present, but probably not a quorum of the House is in the Hall. The suggestion is whether, if the committee should now arise and in the House a motion be made to take a recess until 10 o'clock to-morrow morning, any Member here would have any objection to that or raise any parliamentary point in regard to it.

The CHAIRMAN. Is there objection?

Mr. BENNET of New York. I should say, Mr. Chairman, that, so far as I am concerned, representing those who desire to see the French spoliation claims passed, there will be no objection.

Mr. MANN. I had the same assurances from two gentlemen from Massachusetts, and some other gentlemen on the other side of the House; and, believing that that can be carried out in good faith, I suggest to the gentleman from New York [Mr. LAW] that he move that the committee do now rise.

The CHAIRMAN. The gentleman from New York [Mr. LAW] is recognized.

Mr. LAW. Mr. Chairman, the suggestion of the gentleman from Illinois [Mr. MANN] meets with my hearty approval, and I therefore move that the committee do now rise.

The CHAIRMAN. The gentleman from New York [Mr. LAW] moves that the committee do now rise.

The question was taken, and the motion was agreed to.

Thereupon the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOORE of Pennsylvania, until Monday, February 20, inclusive, on account of the death of his mother.

To Mr. PAYNE, for three days, on account of sickness.

To Mr. BYRD, for 10 days, on account of illness and important business.

To Mr. CALDERHEAD, for two days, on account of important business.

To Mr. KNAPP, for one day, on account of sickness.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10836. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

S. 10791. An act to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed.

S. 9914. An act to provide for the appointment of one additional district judge in and for the district of Colorado; and

S. J. Res. 144. Joint resolution authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia.

#### ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 26722. An act for the relief of Horace P. Rugg;

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 26018. An act for the relief of James Donovan; and

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6953. An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects, and for other purposes.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9914. An act to provide for the appointment of one additional district judge in and for the district of Colorado; to the Committee on the Judiciary.

S. 10791. An act to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed; to the Committee on Public Lands.

S. J. Res. 144. Joint resolution authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia; to the Committee on Printing.

#### WITHDRAWAL OF PAPERS.

Mr. BRADLEY obtained unanimous consent to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 7095, Sixty-first Congress, first session, no adverse report having been made thereon.

Mr. WILSON of Illinois obtained leave to withdraw the report on H. R. 5196 for amendment.

#### RECESS.

Mr. LAW. Mr. Speaker, I move that the House do now take a recess until 10 o'clock to-morrow morning.

The SPEAKER pro tempore. The gentleman from New York [Mr. LAW] moves that the House do now take a recess until 10 o'clock to-morrow morning.

The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

Accordingly (at 3 o'clock and 37 minutes p. m.) the House took a recess until 10 o'clock a. m. Monday, February 20, 1911.



## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting recommendation for credits to the accounts of Capt. Claudius M. Seaman and Lieut. Col. William C. Langfitt (H. Doc. No. 1392); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lake Traverse, S. Dak. and Minn. (H. Doc. No. 1391); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for card index system in the Pension Office (H. Doc. No. 1394); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for pay of the Army (H. Doc. No. 1393); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8300) to authorize the extension of Seventeenth Street NE., reported the same without amendment, accompanied by a report (No. 2195), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2194), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 10536) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 2196), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LOUD: A bill (H. R. 32839) to enable the President to convene a national conference for the purpose of promoting concurrent action among the several States and of the United States upon a uniform law for the protection, preservation, and conservation of the public health, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: A bill (H. R. 32840) for increasing the salaries and for the retirement of employees in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. HOLLINGSWORTH: A bill (H. R. 32841) to enlarge the Federal building authorized at Steubenville, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. Smith of Iowa: A bill (H. R. 32842) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River in the District of Alaska, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 32843) to repeal the duties on agricultural implements and cotton bagging and ties; to the Committee on Ways and Means.

By Mr. GARDNER of New Jersey: A bill (H. R. 32844) to provide for the purchase of a site and the erection of a public building thereon at Mount Holly, in the State of New Jersey; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 32845) to provide for the purchase of a site and the erection of a public building thereon at Vineland,

in the State of New Jersey; to the Committee on Public Buildings and Grounds.

By Mr. GAINES: A bill (H. R. 32846) for the establishment of a customs compact between the United States and Canada; to the Committee on Ways and Means.

By Mr. GREENE: Resolution (H. Res. 981) for the relief of the estate of Charles W. Rogan, deceased, late an employee of the House; to the Committee on Accounts.

By Mr. MANN: Resolution (H. Res. 984) modifying Rule XXVIII during the remainder of the present session of Congress; to the Committee on Rules.

By Mr. ESCH: Memorial of the Legislature of Wisconsin, urging Congress to pass the bill abolishing the use of phosphorus in manufacturing matches; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of Wisconsin, relative to fish and game laws; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of Wisconsin, favoring the election of United States Senators by the direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DAVIDSON: Memorial of the Legislature of Wisconsin in favor of the direct election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, a memorial of the Legislature of Wisconsin in favor of House bill 30022, abolishing the use of phosphorus in manufacturing matches; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Memorial of the Legislature of Wisconsin, urging the enactment of legislation by Congress to abolish the use of phosphorus in the manufacture of matches; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of Wisconsin to Congress, relating to an interstate conference on fish and game laws, their enforcement, and the adjustment of conflicting provisions; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Memorial of the Legislature of the State of Wisconsin, urging that United States Senators be elected by direct vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of the Legislature of Wisconsin, urging the passage of House bill 30022, abolishing the use of phosphorus in manufacturing matches; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of the State of Wisconsin, relating to an interstate conference on fish and game laws, their enforcement, and the adjustment of conflicting provisions; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDERSON: A bill (H. R. 32847) granting an increase of pension to Curtis L. Bamber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32848) granting an increase of pension to George W. Mackey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32849) granting an increase of pension to John W. Robinson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 32850) granting an increase of pension to Peter Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32851) granting an increase of pension to Robert N. Baker; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 32852) granting an increase of pension to Bertha A. Mulhall; to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 32853) granting an increase of pension to James A. Beard; to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 32854) granting an increase of pension to David J. Chinn; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 32855) granting a pension to David A. Nelligan; to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 32856) to correct the muster of Herman Haupt, late colonel and brigadier general of volunteers; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 32857) granting an increase of pension to Steen Hanson, jr.; to the Committee on Invalid Pensions.

By Mr. MCHENRY: A bill (H. R. 32858) for the relief of heirs of Eliza H. Scott, deceased; to the Committee on War Claims.

By Mr. PRAY: A bill (H. R. 32859) granting an increase of pension to Thomas Weller; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 32860) granting an increase of pension to Alfred S. Weymouth; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 32861) granting an increase of pension to Ezekiel Justice; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of New Washington (Ohio) Grange, against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Oak Grove Grange, No. 1538, Coshocton, Ohio, and American Live Stock Association, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Central Trades and Labor Council, Coshocton, Ohio, against the wood-pulp and print-paper schedule; to the Committee on Ways and Means.

Also, petition of Association of Merchant Tailors of America, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. BRADLEY: Petition of Washington Camp No. 13, Patriotic Order Sons of America, Cornwall, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of American Live Stock Association, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. CROW: Petition of New Madrid (Mo.) Chapter of American Woman's League, against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. CULLOP: Petition of citizens of Green County, Ind., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petition of R. F. Barrow and 33 other citizens of Strasburg, Mo., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DODDS: Petition of D. H. Miller and 34 other members of Liberty Grange, favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of Chamber of Commerce, Troy, N. Y., favoring penny postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of Merchant Tailors of America, against increased postage rate on magazines; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of National Association of Merchant Tailors, against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of many citizens of the seventh Wisconsin congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Milwaukee Daily Newspaper Publishers' Association, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of directors of the Milk Producers' Association, against the Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Washington Camp No. 693, Patriotic Order Sons of America, of Vandyke, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FOELKER: Petition of Philadelphia Chamber of Commerce, for maximum facilities and minimum transportation rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Republican County Committee of Richmond County, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of New York State Agricultural Society, for extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Association of Military Surgeons of the United States, for a national department of health; to the Committee on Agriculture.

By Mr. GOULDEN: Petition of the Pictorial Review, the Art Color Printing Co., Thomas Carroll, and the Simmons Magazine, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of Caribou Grange Society, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Petition of N. A. Hanna, Cadiz, Ohio, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL of New Jersey: Petition of Local Union of Carpenters, of Long Branch, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Middlesex Lodge, International Association of Machinists, of New Brunswick, N. J., for the eight-hour law in the naval appropriation bill; to the Committee on Naval Affairs.

Also, petition of Patriotic Order Sons of America of Elberon and Smithburg, N. J., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Monmouth, Allenwood, Painsboro, Shrewsbury, and Manalapan Granges, Patrons of Husbandry, all of New Jersey, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HULL of Iowa: Petition of citizens of Perry, Iowa, against parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Blakesburg, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Ohio: Petition of citizens of Youngstown, Ohio, against parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Salem, Earlham, and Mount Pleasant, Iowa, against the fortification of the Panama Canal; to the Committee on Railways and Canals.

By Mr. KNAPP: Petition of Common Council and Chamber of Commerce of Oswego, for Canadian reciprocity and tariff board; to the Committee on Ways and Means.

Also, petition of various granges, paper companies, and individuals in the twenty-eighth New York congressional district, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. KRONMILLER: Petition of Loyalty Council, Daughters of America, of Highlandtown, Baltimore, Md., and North Point Council, No. 21, Daughters of America, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. LATTA: Petition of J. P. Abts, of Bloomfield, Nebr., against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LEVER: Paper to accompany bill for relief of Woodbine L. McLane; to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of William Weaver and son and two other residents of Elmira, Mich., and Guy M. Watson, of Gladwin, Mich., against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MCCALL: Petition of John B. Henderson and other residents of Sixteenth Street NW., Washington, D. C., asking permission to place along the Avenue busts of all the Presidents and Vice Presidents of the United States without cost to the Government; to the Committee on the Library.

By Mr. McMORRAN: Petition of Cawood Grange, No. 852, Marlette, Mich., against reciprocal tariff with Canada; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, against Senate bill 404, Sunday observance legislation; to the Committee on the District of Columbia.

By Mr. MANN: Petition of Washington Camps Nos. 46 and 18, Patriotic Order Sons of America, of Pullman, Ill., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of directors of Milk Producers' Association, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MILLINGTON: Petition of secretary of East Schuyler (N. Y.) Grange, Patrons of Husbandry, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MITCHELL: Petition of Oswell & Hackeye Mills, Fitchburg, Mass., against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

By Mr. A. MITCHELL PALMER: Petition of First Presbyterian Church of Bethlehem, Pa., for enactment of the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Washington Camp No. 717, and Local Council No. 451, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PARSONS: Petition of Republican committee of the county of New York, State of New York, for termination of treaty with Russia; to the Committee on Foreign Affairs.

By Mr. PLUMLEY: Petitions of Northfield (Vt.) Grange, No. 295; Willoughby Valley Pomona Grange, West Burke; Glebe Mountain Grange, No. 319, Windham; Central Vermont Pomona Grange, East Braintree; O'Haynechee Grange, No. 308, Taftsville; Hardwick Grange, No. 328, Hardwick; Willoughby Lake



Grange, No. 414, Westmore; Chester Grange, No. 321, Chester; White River Grange, No. 53, Royalton; and East Montpelier Grange, No. 312, East Montpelier, all in the State of Vermont, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. REEDER: Petition of citizens of Kansas, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of numerous citizens of Troy, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Enterprise Grange, No. 809, of Genesee County, and citizens of Livingston County, Mich., for a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of Second Presbyterian Church, Bloomington, Ill., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of John B. Drake & Co., Kappa, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Protest of Killingworth Grange, Patrons of Husbandry, No. 66, of Killingworth, Conn., against Canadian reciprocity and tariff board; to the Committee on Ways and Means.

Also, petitions of Killingworth Grange, Konomac Grange, Colchester Grange, and Montville Grange, State of Connecticut, against a parcels-post system, but favoring low postage rates on packages; to the Committee on the Post Office and Post Roads.

Also, memorial of district councils of United Carpenters of New Haven, Conn., in behalf of restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Highland and Plainfield Granges, in favor of a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. TOWNSEND: Petition of pastors of Jackson County and the Central Woman's Christian Temperance Union, Detroit, for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of the American Woman's League, Battle Creek, Mich., for the indemnity bill of the Lewis Publishing Co.; to the Committee on Claims.

By Mr. WASHBURN: Petition of teachers and students of South Lancaster Academy, against Senate bill 404; to the Committee on the District of Columbia.

By Mr. WEBB: Petition of citizens of Henry, N. C., for a general parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Charlotte, N. C., against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of Park Council, Charlotte; Virgin Council, Cornelius; Council No. 68; Hickory Council; Haw River Council, No. 28; Smith B Council, No. 71; Fred Green Council, East Durham; Estato Council, No. 27, Vale, Junior Order United American Mechanics; and Washington Camp No. 27, Patriotic Order Sons of America, Gastonia, all in the State of North Carolina, urging immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Petition of New Jersey State Teachers' Association for bill appropriating \$75,000 for United States Bureau of Education; to the Committee on Education.

Also, petition of Locktown (N. J.) Grange, No. 88, Patrons of Husbandry, against reciprocal tariff with Canada; to the Committee on Ways and Means.

## SENATE.

MONDAY, February 20, 1911.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, unseen but not unknown, in our great loss we take refuge in Thee, who hast been our refuge in all generations. In our sorrow Thy pity revives our fainting souls, and in our distress Thou hearest us as we call upon Thee. Thou hast indeed been unto us like the shadow of a great rock in a weary land.

And now, O heavenly Father, in our affliction give unto us the peace that floweth as a river. In our sorrow grant unto us the comfort that is born of hope and the faith that is rooted in love. As we meditate upon the life of Thy servants whom Thou hast called from our midst, make us worthy of the fellowship of the great cloud of witnesses with which Thou hast surrounded us.

And unto Thee, who art the God of all comfort and of all grace, will we ascribe praise now and for evermore. Amen.

## THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the last legislative day.

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Guggenheim	Shively
Bankhead	Crawford	Heyburn	Simmons
Borah	Culberson	Johnston	Smith, Md.
Bourne	Cullom	Jones	Smith, S. C.
Brandegee	Curtis	Kean	Smoot
Briggs	Davis	La Follette	Stephenson
Bristow	Depew	Lodge	Sutherland
Brown	Dick	McCumber	Taliaferro
Bulkeley	Dillingham	Nelson	Taylor
Burkett	Dixon	Overman	Thornton
Burnham	du Pont	Page	Tillman
Burrows	Fletcher	Paynter	Warner
Burton	Flint	Penrose	Warren
Carter	Foster	Percy	Watson
Chamberlain	Frye	Perkins	Wetmore
Clapp	Gallinger	Rayner	Young
Clark, Wyo.	Gamble	Root	
Clarke, Ark.	Gore	Scott	

The VICE PRESIDENT. Seventy-three Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will read the Journal of the last legislative day's proceedings.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. The Chair announces the appointment of the junior Senator from Iowa [Mr. YOUNG] to read Washington's Farewell Address to the Senate on Wednesday, in accordance with the rule of the Senate.

## RAILWAY MAIL SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 14th instant, certain information relative to the number of opportunities for promotion of railway mail clerks resulting from death, removal, or otherwise during the past fiscal year, and the number of promotions actually made, etc. (S. Doc. No. 826), which was ordered to lie on the table and to be printed.

## BUSH V. UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, requesting the return to the court of the findings in the case of Bush v. United States, No. 14860-109, certified to the Senate January 30, 1911 (S. Doc. No. 827), which was referred to the Committee on Claims and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, transmitted to the Senate resolutions of the House on the life and public services of Hon. ALEXANDER S. CLAY, late a Senator from the State of Georgia.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. WALTER PRESTON BROWNLOW, late a Representative from the State of Tennessee.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

S. 6953. An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects, and for other purposes;

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 26018. An act for the relief of James Donovan;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.; and

H. R. 26722. An act for the relief of Horace P. Rugg.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

## Senate joint memorial 7.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that:

Whereas the development of the arid lands of the State of Oregon by irrigation and occupancy by home builders in small tracts under a